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THE NEW REPUBLIC

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TRB

from Washington
October 7, 1972

Door Hinge

There is some question of whether the decisions of the Supreme Court would be constitutional if Perry Lippitt didn't wear a swallowtail coat. He's the marshal who bawls out "Oyez, Oyez, Oyez!" just after the nine black-robed justices pop in through the red velour curtains in their Greek marble temple, and tells anybody who has business with this body to come on up and transact it. Yes, it's that time again; the high court is back. God save the United States and this honorable Court!

Can anybody deny the puissance of this awesome tribunal? The Pentagon Papers went to the Supreme Court; the Democrats' credentials row went to the Supreme Court; the procedure of the Ellsberg trial went to it; so did busing and what not. Can any sophisticated person miss the point that the Supreme Court in the final analysis is a legislative tribunal applying the great thundering principles of a document written 200 years ago as well as it can to modern concepts and technology? The Court is the hinge on the door of the Constitution; it can open a little now and then to let new concepts enter.

Those nine men with the silver-haired chief justice, five feet 11 inches, in the center, are striking personalities – Douglas with his heart-pacer, the eldest (73); Rehnquist with his odd record on civil rights, the youngest (47). Rehnquist testified before the Phoenix City Council in 1964 that black people should not be permitted in the drug stores of Phoenix. To be sure he was only 39 and told the Senate he had changed his mind, for he had not understood then how seriously minority groups took these rights. Nobody doubts Rehnquist's ability and if he serves as long as Douglas (33 years so far) he will be interpreting his version of civil rights in 2005 A.D.

Mr. Nixon has appointed four of the nine justices and is likely to appoint two more if reelected, possibly the most important stake in the election. They form a remarkably cohesive, conservative bloc. In the 67 cases where the four participated, the chief justice and Justices Blackmun, Powell and Rehnquist voted together in 54. Does this record satisfy Mr. Nixon? No – the Court "is as balanced as I have had opportunity to make it," he says complacently and notes that there have been "several 5 to 4 decisions." The implication is, give me more time.

With two more negative votes *The New York Times* would have been banned from printing the Pentagon Papers and freedom of the press would have altered in America. Who knows what Mr. Nixon can do in four more years.

Fortunately there is another factor at work; when Oliver Wendell Holmes ruled adversely to President Teddy Roosevelt in a case the latter growled that he could carve a stronger backbone out of a banana. "It's very difficult to know what a new member will be like until he's there for five or 10 years because few new members have been free and independent before," Justice Douglas told Eric Sevareid in their TV interview the other day. "All the layers of prejudices of clients have been peeled off, and there the man is . . . It takes time."

Mr. Nixon has outlined pretty clearly the kind of a court he wants, but he is already suffering disappointments and says so. He wants a court that won't weaken "the peace forces as against the criminal forces in our society" he said in 1968, and repeated in his acceptance speech. He wants judges "who would recognize that the first civil right of every American is to be free from domestic violence." This sounds fine; do we know what it means? When the Senate rejected the uninspiring G. Harrold Carswell the President in pique charged that it would not confirm anyone who "had the misfortune of being born in the South" and that it had been "regional discrimination." (The Senate, of course, readily confirmed Lewis Powell of Virginia.)

But once you name a court you can't be sure of it. The Court unanimously, 8 to 0 (with Rehnquist not participating), tossed out Attorney General Mitchell's outrageous contention that he had "inherent power" to wiretap suspected domestic subversives without a warrant. Again, Chief Justice Burger, Mr. Nixon's appointee, himself wrote the unanimous opinion upholding modified school busing which Mr. Nixon finds so disappointing.

And here in his Labor Day speech Mr. Nixon is attacking Justice Powell, of all people, the man from the very region which the Senate was supposed to condemn. The justice had the audacity to reject a plea from Augusta, Georgia, to ban school busing. "The Powell decision leaves no doubt whatever that only the anti-busing legislation I have proposed will do the job," Mr. Nixon told the nation.

What are these proposals which the House will consider in its frantic final days? A noted constitutional authority, Yale's Alexander Bickel, analyzes them in a low-keyed article (*TNR*, Sept. 30, 1972). He finds an attempt "to control the Supreme Court . . . the very foundation of the power of judicial review." Never, he says, "in my judgment" has the Court been presented "with quite the challenge embodied in the House bill . . ." It strikes at *Marbury v. Madison* itself. Hitherto Mr. Bickel says, he has regarded Mr. Nixon as "an institutional and constitutional conservative." But this is not conservatism; these proposals, he says, "are recklessly radical," they undertake "to alter the balance of power between the judiciary and the political institutions of the federal government."

So that's it. "Law and order" comes down to sidestepping the independence of the courts. Mr. Nixon says he wants "strict" constructionists; he wants a judge who "should not twist or bend the Constitution . . . to perpetuate his personal, political and social views"; but what he really means is that he wants somebody who will agree with his own social views. And he is willing to use Congress to polarize passions in an election campaign.

We don't think Congress will pass the bill or the Court lose its independence. But we have been around a long time and these things worry us. Congress has lost initiative in 50 years. It won't put its own house in order. The Executive has enlarged. Congress may now even turn pursestring power over to the White House to fix a spending limit, letting the President pick and choose his vetoes. . . . We'd hate to see the courts cowed, too.

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White Flags And Whitewash

Richard Nixon believes that this campaign "provides the clearest choice that certainly I have seen in my political lifetime." If that is so, he or his surrogates should explain in some detail what the choice is. For the people do not, contrary to the Republican national campaign manager, "know fully of the great differences between the candidates." Most of them do not know, for example, wherein Senator McGovern and the President differ on defense. How could they? Yet what could be, should be, more important to the taxpayers than that subject? Thirty cents out of every tax dollar is spent on defense. The military budget, now $78 billion, will be $100 billion in 1977, according to the Brookings Institution, and $112 billion by 1980, according to Leonard Sullivan, the principal deputy director of the Pentagon's research and engineering directorate. The McGovern panel on national security, in its report of September 21, pointed out that current defense spending represents $1200 in taxes for each American family —twice what federal, state and local governments spend on grade school and high school education; eight times what the government and industry spend each year to reduce air and water pollution. If the President were truly "running on the basis of the great issues before the country," here is an issue that cries for the very debate he has said he will not engage in.

We do not mean simply that the President won't meet McGovern face-to-face (he won't), but that neither Nixon nor his publicists have come to grips with the content of McGovern's defense position. Secretary Laird dismisses it as a "white flag of surrender approach to national security." Vice President Agnew sidesteps the substance by saying McGovern would "leave the President no adequate response but nuclear war if US interests and US friends anywhere are threatened." And what has their "news judgment" obliged the media to tell us about this issue? On the day the McGovern national security recommendations were released, NBC and ABC spent more time describing a minor collision between the new presidential limousine and a bicycle. ABC gave the panel report 20 seconds. Only CBS and its capable correspondent, Marvin Kalb, discussed it in detail on national TV. *The New York Times* carried the story on page 30, *The Los Angeles Times* on page 14, *The Baltimore Sun* on page 9. Yet the report illuminates significant differences between McGovern's view

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that enough defense is enough and the prevailing doctrine that no amount is enough.

Melvin Laird is not a strong secretary of defense. He is a waterboy for the three services, the weapons industries and their caretakers in Congress. They like him; they should; they are well watered. They like watching him on television, smiling, sitting in the cockpit behind the make-believe controls of a make-believe and mostly plywood airplane. The TV cameras caught that scene while Mr. Laird was on a "goodwill tour" of southern California, an area rich in aerospace, unemployment and voters. The secretary had come to tell his friends they had nothing to fear from another four years of this administration. In visiting North American Rockwell, Laird could not have chosen a more favored corporate constituent. Early this summer, the company was given a $2.6 billion contract to build the space shuttle that will allow astronauts to commute between earth and orbit in a reusable space vehicle. More recently Congress agreed to the full $445 million requested by the Pentagon to continue development of the air force's dream machine of the future: the B-1 bomber. By 1975, when that B-1 finishes its test flights, North American Rockwell will have collected $2.7 billion for research and development. And if Congress then gives the go-ahead to produce the plane, the company will stand to gain an additional minimum of $8.4 billion—assuming no cost overruns, an assumption about as safe as a two-legged chair.

Now, George McGovern opposes both the space shuttle and the B-1. The administration favors both. There the controversy rests. The President and his spokesmen are determined to evade debating the merits or demerits. The choice as they put it is between a candidate who stands for strength and a weak-kneed mendicant, begging bowl in hand, who would deliver America to the communist cannibals.

What is McGovern's position? It begins with the conventional observation that "the US must have strong military forces to deter war and to support the commitments vital to its security." However, "we should maintain only those arms and armed forces which are needed to meet the realistic threats posed to our security." The report of his panel (co-chaired by Paul C. Warnke, former assistant secretary of defense; Clifford Alexander, Jr., former member of the National Security Council staff; and Herbert F. York, President Eisenhower's director of research and engineering in the Pentagon) repudiates "buying new weapons just because they incorporate the latest bit of technological gimmickry." That, they say, "does not add to our security; indeed it can diminish our strength because the money wasted could have been returned to the people in ways which would have enriched their lives." The report insists that the US must have enough nuclear force to survive an enemy surprise attack and to inflict unacceptable damage in return, but that we "should never build more weapons than deterrence requires." It notes that we already have nearly 6000 strategic nuclear warheads, which can be used to attack the Soviet Union, and that we are adding three more each day through MIRV conversions: "Our current nuclear arsenal contains twice as many warheads as that of the Soviet Union," and the administration is planning to "increase that margin to four to one by 1977—clearly an unnecessary increase."

In addition, the panel points out, the administration is pushing still more costly plans for entirely new weapons: "$1 billion in this fiscal year to speed building a new submarine (Trident), so that the first can go to sea in 1978, although the oldest Polaris submarine will then be only 18 years old, well short of the lifespan for modern naval vessels." The B-1 bomber will cost up to $50 million per plane. Both these expensive new strategic programs are militarily unnecessary ("our deterrent is more secure for the foreseeable future without them"), and far from being needed as "bargaining chips," they "jeopardize future arms control prospects and endanger the stability of the strategic force by appearing as a threat to Soviet forces and as a US escalation of the arms race."

Not only is the administration committing the nation to more military power than any foreseeable threat mandates, but it's taking more and more dollars to buy less and less real security. Three examples are cited by the McGovern panel: a navy F-14 fighter that will cost about $20 million whereas the Soviets build a MIG 21 for about $2 million; the army's ill-fated Cheyenne helicopter that was canceled after $400 million had been wasted (and when the air force and marine corps were already procuring redundant close support aircraft); an original estimate of $3.4 billion for 120 air force C-5A planes that will cost $4.9 billion—for 81 planes. These are not isolated cases of bungled procurement: "The General Accounting Office in its recent report noted that 'the estimated cost of 77 weapons systems has increased by about $28.7 billion.' "

Looking ahead to the end of the Vietnam war and the possibility of further arms control, the panel asks for a realistic "conversion from a war-based economy to one based upon meeting the human needs of our people. . . . Workers and communities affected by military reduction should not be made to bear the sole burden for cutbacks in defense spending. Individuals who lose their jobs must be provided income support, continued health insurance, and portable pensions, until new jobs are found. The federal government can also create millions of new jobs in the public sector to assure a peaceful conversion from military to peacetime pursuits."

This is the approach to national security that Laird sums up as a "philosophy of give-away now, beg later." What nonsense. The choice in this election is not between whitewashing the defense establishment and waving the white flag.

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FAP's Last Gasp

Welfare reform is dying on Capitol Hill, and when it gives up the ghost, it may be dead for another decade. That's the opinion of Daniel P. Moynihan, the Harvard urbanologist who as special assistant to President Nixon supervised this administration's attempt to rewrite the federal welfare laws in 1969-70. He left the White House not long after the first welfare reform bill became tangled in the bickerings of the Senate Finance Committee and died there in 1970. That bill was succeeded by a new version in 1971 which passed the House easily (288-132) and as HR 1 made its way across the Hill to the Senate Finance Committee. Hearings were held sporadically, ending in February 1972. While the secretary of HEW, Elliot Richardson, and others explained what they thought welfare reform should be, the committee's conservative majority spent a busy year dismembering the new legislation and rewriting it. Last week their version of HR 1 was reported out, to reach the floor the next day—just two weeks before the end of the session, too late for the Senate to give it serious consideration. Democratic leaders on both sides of the Hill agreed that there wasn't a chance for reform in this Congress.

The effort to get this bill passed began early in 1971 when Nixon announced that welfare reform would be "White House priority number one until it's enacted." The new bill reached the House floor in May, blessed by the White House and written by Wilbur Mills (D, Ark.) of the Ways and Means Committee. Almost immediately the faults became visible. The original welfare section—called the Family Assistance Plan—had set $1600 as the minimum federal standard of income for a family of four. The new bill raised this to $2400, but did so by eliminating an essential part of the present welfare scheme—the Food Stamp Program. The new bill did not require states to maintain food subsidies for the poor, a change likely to reduce living standards for 90 percent of families now on welfare.

Determined to keep down the price of reform, Mills had also altered the tax rate for welfare recipients whose incomes begin to climb the ladder out of poverty. The old bill levied a tax of 50 percent on earned income above $720 a year; the new bill, a tax of 67 percent. This lowered the cost of HR 1, but it meant that a man on federal relief would take home only 33 cents of every dollar earned above $720 a year. Paid $100 a week, he would have $67 deducted from his week's welfare check. The incentive to work overtime or search for better wages would be negligible.

There were other objections. The bill made no allowance for increases in the cost of living, no guarantee after 1972 to assist states that increase aid to the poor, no provision for poor single or childless people. The new Family Assistance Plan required all welfare mothers with children older than three years to register for work, but it did not guarantee a job or set aside enough funds to provide for even the crudest form of day care. It required all able-bodied men to register for work or lose their benefits—and this at a time when 5.5 million people were out of work, and federal job programs swamped with applicants.

These were some of the issues raised as early as June 1971 by Senator Abraham Ribicoff (D, Conn.), who spoke for the liberal minority on the Finance Committee. Although the new HR 1 retained the principle of putting a floor under the income of every family, it did so at a heavy price. To change the welfare structure and extend coverage to 4.3 million new poor people, HR 1 would have lowered income levels for most families on welfare. A simple fiscal analysis of the bill is revealing: of the $6.1 billion in "new money" to be appropriated, only $600 million was to reach the working poor, and $300 million the type of family already on welfare. In other words, 15 percent of the new money would reach people covered under welfare sections, while 28 percent would aid state and local governments and 31 percent would pay administrative costs. The remaining 26 percent would boost payments for the aged, blind and disabled. (For a good analysis of the budgetary juggling behind HR 1, see "A Funny Thing Happened on the Way to Welfare Reform," by Jodie Allen of the Urban Institute.)

As a remedy for HR 1's failings, Ribicoff offered a bundle of amendments eliminating the coercive elements of the bill and setting as its goal the "eradication of poverty" by 1976. His plan was expensive. By raising the minimum guarantee from $2400 to $3000, by lowering the tax on earned income from 67 to 60 percent, by extending coverage to the single and childless poor, increasing funds for aid to states, day care and job projects, Ribicoff created an income-maintenance system costing at least $22.4 billion in its first year. He estimated himself that it would have added $7 billion to the cost of HR 1 and drawn 11 million new people into the welfare system. Although his plan had no more chance of passing Congress than the committee's "workfare" proposal, it was solidly endorsed by 31 other liberal senators. Ribicoff let it be known that his group was open to compromise. Negotiations with HEW and the White House produced nothing.

Lacking adequate incentives, HR 1 proposed to prod welfare recipients with new penalties to get them off the dole and into private employment. Nixon had dwelled on this harsh aspect of his "welfare reform" bill, offending those who felt that incentives not penalties were the answer, and spiking their enthusiasm for meeting him halfway on reform. Nixon told the Republican Governors Conference in April 1971 that "I advocate . . . getting more people off welfare rolls . . . I do not favor a guaranteed annual income." And on Labor Day that year, as this year, he gave the nation a lecture on the work ethic, explaining that "most of us consider it immoral to be lazy or slothful—even if a person is well off enough not to have to work or delib-

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erately avoids work by going on welfare." He voiced these sentiments often, illustrating the "value of labor" with stories of his mother emptying bedpans and his father working as a gas station attendant.

In early June this year, HEW Secretary Richardson spoke with Senator Ribicoff in preparation for a meeting with Nixon to discuss the future of HR 1. Ribicoff went over the details of his proposal, outlining the areas in which he would and would not compromise. Shortly before Richardson went to the White House, 19 Republican senators sent Nixon a letter asking him to seek a compromise with Ribicoff. These 19, along with the 32 votes behind Ribicoff's proposal, comprised an uncertain majority that might have passed a new welfare bill. After hearing Ribicoff's case, Richardson also decided a compromise would be best, and he told the President so. Nevertheless, Nixon announced a week later on June 23 that he would not alter HR 1. Ribicoff's plan, he said, was "the wrong step because it would substantially increase the cost of welfare and move in the direction that I think the country does not want and that I believe would not be in the interests of the welfare recipients themselves." That decision effectively killed reform, for without the support of the Senate's liberal wing, the Family Assistance Plan in HR 1 would have few friends.

Before it became HR 1, the welfare bill was to be one of the chief examples of how a Republican administration could co-opt a liberal, progressive idea and sell it back to the country as conservative reform. The idea *was* bold; regardless of what the President said, his bill unquestionably would have guaranteed a minimum income for every family with children. As if to disguise this fact, a number of punitive clauses were written into the bill on its second run through the House. It came out threatening to cut off money for lazy fathers, college students and mothers who wouldn't put children in day care and look for jobs. Perhaps these changes were meant to placate the conservatives. If so, they failed. The Finance Committee saw through the sham: conservatives set to work writing a new, more punitive bill, while Ribicoff drew up a more generous one.

After proposing what was considered a liberal welfare scheme, the President—one imagines—would have sought liberal support and dealt closely with congressmen who were enthusiastic. Instead, he played for the conservative audience, hoping perhaps that others would recognize the political camouflage he'd raised and cooperate without making new demands. In the Senate the strategy failed on both points: conservatives were half-hearted or strongly opposed to HR 1, and liberals wanted improvements. Because Nixon did not build a coalition favoring the Family Assistance Plan in the Senate, and because he refused to deal seriously with the 31 men behind Ribicoff who *were* interested, he had no one to turn to when HR 1 got stuck.

Blacks for Nixon

Black businessmen, Democrats as well as Republicans, who have received government contracts under the Nixon administration's widely publicized black capitalism programs, have been systematically solicited for campaign contributions as part of the effort to reelect the President. And while some Democrats complain privately about the blunt way they are being told to contribute, other blacks see it as cynical recognition that they are at last part of the white system. "We black people didn't create the system," says Charles Wallace, president of Wallace and Wallace Fuel Oil Co., Inc., of Hollis, New York, "but we are going to work through the system just like the white folks do." The system Mr. Wallace talks about includes contributing money to the Nixon campaign "because he is the man who is going to get us off relief." In Wallace's case, getting blacks off relief took the form of contracts for his company under a Small Business Administration program that has poured $240 million into minority companies since 1970, with $150 million of that going out in fiscal year 1972.

Wallace's firm got $359,000 to deliver fuel oil to the Defense Supply Agency in September 1970. A year later, he was awarded a $1,059,038 contract from the same agency. In July of this year Wallace and his wife bought $2700 worth of tickets to the $100-a-plate dinner held by the National Black Committee to Reelect the President. Then in August, Wallace sent a letter out to other contractors under the Small Business Administration minority program asking them to "go out into the field and try to get the President reelected." "I was asked to buy a table at the dinner," one black Democrat recalled. "I've never seen it like this . . . They let you know in no uncertain terms that you are expected to give."

The dinner raised $151,000, not an enormous amount in a Nixon campaign that should bring in $40 million. More important, "the dinner provided an opportunity to display black support," a black former officeholder in the Johnson administration suggested. "That is what they have bought."

The link between contract recipients and campaign donors is easy to establish by comparing filed contributor lists with a compilation of small business minority contractors. Jack Crawford, a longtime Washington Republican, gave $2000 to the dinner committee. Jack Crawford Development Corp. has received over $400,000 worth of construction and repair work under the SBA program. Paul R. Jackson, president of Jackson & Sanders Construction Co., of Washington, DC, contributed $1000 to the dinner. Jackson-Sanders has received over $900,000 worth of federal contracts during the two years ended last June.

The Watts Manufacturing Co., Compton, California, was born out of the 1965 race riots. It started with over $3 million worth of government contracts awarded

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under the Johnson administration. Since 1970, the Nixon-run SBA program has put another $5 million worth of business into Watts. New management has come in along with financial support from a Chase Manhattan Bank subsidiary. Three top Watts executives, including Irving Feingold, the company's only white executive, gave a total of $2400 to the black dinner. In a recent *Business Week* story on the company, Louis L. Allen of Watts' parent Chase Bank company, was quoted saying, "Six months ago it took an influential call to get a representative from Watts an appointment with a contracting agency in Washington. Now doors are opening as to any other competitive supplier."

Along with black construction and manufacturing firms, black consultants working on federal contracts are fertile sources for campaign funds. Roy Littlejohn Associates, Inc., which began in business in Washington just over four years ago has received over $650,000 in federal contracts for a variety of services including monitoring Head Start programs and planning equal employment opportunity conferences for HEW. Roy Littlejohn, who describes himself as a registered Democrat, says the $1000 he contributed to the Nixon dinner was "the first time I gave that [size] sum . . . but I can afford it."

Black officeholders, appointed by the Nixon administration, kicked in quite heavily. Samuel Jackson, the assistant secretary of HUD is listed as contributing $1000; Robert J. Brown, special assistant to the President gave $1000 as did Stanley Scott, assistant to communications director Herb Klein; one member of the Equal Employment Opportunity Commission, Colston Lewis, gave $1200; the chairman of EEOC, William Brown, gave $200. Setting a standard for the appointees was Paul Jones, executive director of the black voters division of the Committee to Reelect the President. Jones, who worked in Justice and later HUD under the Johnson administration at a GS-14 level, is listed as buying $3000 worth of tickets to the Nixon dinner.

Wheat Dealing

Hard on the heels of Democratic charges that big grain exporters raked in windfall profits on the sale of 400 million bushels of wheat to Russia comes the revelation that the exporters are pressuring the Treasury Department to grant large tax breaks on profits from Soviet transactions. Robert J. Patrick, Jr., the Treasury's deputy international tax counsel, has said that officials are "leaning toward acceptance" of the exporters' position. Treasury largesse would affect not only recent Soviet and Chinese wheat sales but all future export sales of wheat, rice and tobacco. The grain companies want to set up Domestic International Sales Corporations, or DISCs, to handle their export sales, for under a 1971 law, companies can defer taxes indefinitely on half of a DISC's income, as long as its earnings are used in the parent company's export business or remain in the US as "producer's loans" to related or unrelated American producers. This tax provision was enacted to stimulate foreign sales and induce American firms not to set up foreign subsidiaries to get tax breaks. Tax Analysts and Advocates, a public interest tax law firm, estimates that at least $100 million in tax revenues over the next decade turns on the Treasury decision.

The 1971 legislation also grants Treasury authority to deny DISC tax benefits, if the profits made on sales were accomplished by a subsidy. The grain firms argue that the law allows them to collect both DISC benefits and export subsidies. That opinion is supported by key members of congressional tax writing committees and Agriculture. Certainly the exporters are eligible for DISC tax breaks in the absence of subsidies, but the firms would be getting unjustifiable relief if Treasury rules that the provision covers Russian sales made when export subsidies *were* in effect. The exporters got up to 47 cents per bushel on their wheat exports to the USSR before Agriculture in an about face lowered the export subsidy to zero because of continued strong foreign sales abroad.

The House livestock and grains subcommittee may soon decide to subpoena records of the grain transactions from the exporters. Although Chairman Graham Purcell (D, Tex.) said at the end of formal hearings on the Russian sales he was satisfied that former Assistant Secretary of Agriculture Clarence Palmby, who, while in government, led a team of US negotiators in Moscow for wheat talks, was not guilty of supplying inside information to exporters, he admits a letter from Palmby to the subcommittee "raises new questions about possible conflict of interest." The letter revealed that Palmby bought an expensive New York apartment in early April, weeks before leaving USDA, giving as references four officials of Continental Grain Co., the largest beneficiary of the Russian wheat sales. He now works for the firm at a salary reported to be over $100,000 a year. (Letters released last week by the Treasury reveal that Continental was among the firms seeking a tax break on the wheat deal.)

Representative Purcell plans to keep his hearing open until the FBI finishes its investigations of possible windfall profits. However, neither that probe nor one by the General Accounting Office is expected to be completed before the November election. Farmers who lost money by selling wheat cheap before learning of the size of the Soviet deal are not likely to be compensated by the government, despite a bill pushed through Purcell's subcommittee providing deficiency price support payments. The Senate Agriculture Committee is against it.

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Lavelle's Crime

"Protective reaction" is one of those Pentagon propaganda phrases designed to mislead, to obscure the fact that we were bombing North Vietnam in violation of the 1968 understandings. The deception is coming home to roost, and the price for perpetuating the lie over the years apparently will not be paid by those who invented and authorized the fraud, or by a hundred or more military men who participated in it. Rather, one air force general seems to be in line to take the rap, if any.

Testimony before the Senate Armed Services Committee outlines pretty clearly that General John D. Lavelle, while commanding the 7th air force, ordered preplanned bombing strikes into North Vietnam, knowing that if his planes failed to draw fire from the North Vietnamese defenders, the bombers would be considered in violation of the existing rules of engagement. Those rules prohibited armed escorts of US reconnaissance planes from attacking in North Vietnam without first being attacked or at least threatened by radar from SAM missiles.

Lavelle's first preplanned raids are said to have drawn the requisite ground fire. But on January 23 of this year, when pilots bombing Dong Hoi airfield reported "no reaction," Lavelle, according to his former operations chief, "passed the word back down to the wing that they could not report 'no reaction,' that they must report that the enemy had reacted." In the bureaucratic air force chain of command, Lavelle's words filtered down finally to the enlisted men who filled out detailed mission reports and to the pilots who gave them the information. *They* became the originators of false reports that showed "enemy reaction" when there wasn't any. Lavelle's staff knew what was going on, so did the top brass at the tactical reconnaissance wing, which carried out the missions from Udorn Air Base in Thailand, so did the pilots and the officers and enlisted men of the intelligence unit that made up the reports. It is hard to conceive that the Pentagon didn't.

Why was one lowly sergeant the only one moved to complain? The high-ranking officers involved gave the senators a variety of excuses ranging from a fear that Lavelle would "cut off my head" to a belief that he had some secret directive from Washington.

The latter had a ring of truth. For despite the rules, Washington, itself, had directed preplanned raids on North Vietnam and told the public they were a form of "protective reaction." On September 21, 1971, under the code name "Prize Bull," some 200 US planes hit North Vietnamese installations; for five days at the end of December, more than 1000 strikes were directed at a whole range of North Vietnam targets under what was called "limited duration protective reaction air strikes" and Secretary Laird termed a "reaction to Hanoi's violation of the 1968 agreements." Then again, for two days in mid-February, US aircraft hit 130 millimeter guns located across the DMZ. "If the 7th air force technically violated a rule," Senator Strom Thurmond has asked, "didn't the orders from Washington do the same?"

Toward the end of 1971 and into 1972, "protective reaction" raids became almost a daily occurrence. A North Vietnamese buildup was taking place, and with the American election coming on, Vietnamization could not appear to be failing. So increased bombing, north and south was the order of the day. There was fear a B-52 might be shot down with a possible upsurge of public opinion against the bombing. Lavelle asked for more authority under the rules and was told by the joint chiefs to "use more fully the authority available." He had the example of the navy with its "trolling" policy whereby a reconnaissance plane was sent into a target area to draw fire, with navy bombers flying in low immediately thereafter. To Lavelle, such a policy was too hazardous for his men, as it may in fact have proved to be for the navy, which refuses to make public the number of reconnaissance planes it has lost over Vietnam.

As with the army and My Lai, there was an initial effort by the air force to play down publicly the seriousness of what had taken place. But pressure from Congress and the press has required that a villain be produced, as if one person could be made to bear the blame. There are indications that preplanned violations of the rules took place before Gen. Lavelle came. It may be just a matter of time before another serviceman comes forward with first-hand information. Searching for additional officers who went around rules, designed by civilian leaders to mislead the public, would miss the main point. It would be useful if Senator Stennis and his colleagues would take the Lavelle case as a starting point in a broad study of the impact the Vietnam war has had on the moral fabric of the military services. For the corruption represented by false reports from Gen. Lavelle's command, as with the need to phony up military death counts such as My Lai, is only symptomatic of a spreading infection. And unless responsibility for that infection is placed upon the civilian leadership that has caused it, we may face a military establishment that is ever more confused and unhappy with the basic concept of civilian control.

COMING: the watchdog begins to bark—a report by Walter Pincus on Congress and the Pentagon

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The Nixon Watch

Agnew's Dilemma

Every now and then, during a week of travel with Spiro T. Agnew in his first open campaigning for the Republican ticket, I dug out the text of his speech accepting his renomination at Miami Beach and read this passage at the beginning of it: "I have lived in the crucible that is the Vice Presidency for nearly four years. And I have come to believe that, notwithstanding its simple constitutional definition, the office has two primarily important functions—to serve the President and to learn from the President. Surely, much of the controversy about the Vice Presidency could be quieted if we would accept the fact that the Vice President is the President's man and not a competing political entity. He accepts the investiture of Presidential trust, runs on the same platform, and must be a man upon whom the President can depend for total loyalty and support. He is a part of the President's team, contributing candidly his best advice in the formulation of policies and, once these policies are formulated, helping translate them into achievements. That is the way I view the office and I believe that is the true . . . meaning of the 12th Amendment, which for 184 years has required that the President and Vice President run together and be elected as a team."

The thought came, watching Agnew and listening to him at rallies and press conferences in Minnesota, Missouri, Ohio, Tennessee, North Carolina, Virginia and Kentucky, that being "the President's man" is not and never has been as easy for him as he tries to make it appear to be. The difficulty is not a matter of loyalty to Richard Nixon, or even of affection for him. Mr. Agnew probably would acknowledge that he was indulging in campaign hyperbole when he told a partisan crowd in Chattanooga, "I'm here to speak for the reelection of the greatest President this country has ever had—Richard Nixon." But he sounded to me like a man who was expressing the truth as he knew it when he continued, "And I want to assure you that my speaking for President Nixon is a labor of love, because there is no question that he has understood the role of a Vice President better than any President in the history of this country."

The Vice President's difficulty is that he is trying to be two men at once, his own man and the President's man. Pride aside, and pride in himself is one of Spiro Agnew's obvious characteristics, it is more essential to him now than it has previously been that he appear to the country to be his own man. It is essential to him because he hopes and intends to be nominated for the presidency and elected President in 1976. He denies that this is true when it is so simply and directly stated, but a week on the campaign road with him convinced me that it is true. In the course of campaigning for the President's reelection and, more emphatically and explicitly than Richard Nixon has shown any sign of doing, for Republican congressional and state candidates, Spiro Agnew seeks to portray himself to the country as a Vice President who is fit to be the President that he could become by succession at any moment and wants to become by election in 1976. His denials that he has decided to go for the presidency next time are qualified by the admission that he intends to "keep the option" and that he wouldn't be standing for reelection to the vice presidency this year if he didn't "consider the possibility of seeking the presidency in 1976."

At Minneapolis, the first stop on his 1972 campaign tour, Mr. Agnew was asked whether his announced and visible change of style, from extreme and savage and often divisive denunciation to a studied attempt at moderation, is "connected in any way with the desire to be (elected) President in 1976" and he answered "No." I didn't believe it and I doubt that any of the reporters who heard him believed it. What I do believe, and urge one and all to believe, is that the Vice President speaks the whole truth when he says that he is the same old Spiro Agnew. Here is how he said it in Minneapolis: "I have not changed any principle, any major principle on which I campaigned for governor (of Maryland), on which I campaigned for Vice President in 1968, or on which I campaigned for others in 1970. I make no apology for anything I said in any of those campaigns. I regret that some of the things were misunderstood, perhaps. And I regret that connotations were placed around some of the more colorful rhetoric I may have used that I thought were not really indicated by my standards. However, I respect the right of other people to apply their standards to what I say. I'm trying this year to adopt a new style, a style that will not bring about these misconstructions of my intent. I'm also trying to place the emphasis in the campaign on very well established and logical. . . positions that I can substantiate because I have to live with them, and believe in them, and my record is there to prove it. So, it's a question of emphasis and style. It's not a question of changing my principles."

Looking at and listening to Mr. Agnew when he said this, I had no doubt whatever that he meant every word of it and really believed that he not only could, but was entitled to dismiss in that fashion, to relegate to limbo, his previous attacks on "radiclibs," "impudent snobs," "rotten apples," biased and dishonorable media elitists, the entire lexicon of invective with which he had polarized the nation and aroused the hatred and contempt which he now seeks to dispel. I had no doubt, either, that he was getting by with it and probably would continue to get by with it. A fact that has to be reported is that he did it very well, quietly and pleasantly and, for any who could forget his recent past as easily as he proposed to dismiss it, in a rather appealing way. In order to understand how

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this can be said, you have to picture him at his press conferences, seated in a low chair, immaculately groomed and tailored, right leg crossed over left leg, right hand at rest on right thigh, his tanned and nobly proportioned head held high, smiling his thin smile and talking in his habitual monotone. He was downright likeable when he was asked how he felt about the new style and answered: "Well, I like it. I like the way it is being received and it is very comfortable for me. It has many advantages and lets me get to the issues, and it obviates answering all the questions about my rhetoric, which never did appeal to me." A reporter interjected, "The rhetoric or the questions, Mr. Vice President?" and he answered, "Neither." The truth is that he relished the rhetoric and loathed the questions.

The trouble with the revised Agnew is that he remains Agnew. In my opinion, which he seemed to me to justify during the week on the road, this is to say that he remains a man of considerable presence and limited intelligence. Two examples from the first of four press conferences in five days will suffice. He had barely completed his profession of dedication to "the issues" and to "substantiated positions" when, in the midst of a long disclaimer that anybody in a responsible job at the White House or at the affiliated Nixon reelection committee had anything to do with the famous bugging of the Democrats' national headquarters in Washington last summer, he said: "I have a personal theory that I can't substantiate, and that is that somebody set up these people that were involved in this strictly for political use . . . What I'm saying is that someone set up these people and encouraged them to undertake this caper, encouraged them to embarrass the Republican Party." In a reference to the former Democratic national chairman and present McGovern campaign director, Lawrence O'Brien, who has maintained that people very near to Richard Nixon had to be responsible for the bugging, the Vice President also said, "Now, I'm engaging in the same sort of wild fancy that Mr. O'Brien is engaging in. I predicated my remarks by explaining to you that I had no information or facts, but that I didn't think he had, either." Then and in subsequent press conferences, when questioners plagued him with demands that he substantiate his "wild fancy," the Vice President never once indicated the slightest awareness that he had made a fool of himself with a silly display of inconsistency. The sub rosa explanation, offered by his staff, that his "personal theory" had actually originated at the White House and that the campaign tacticians ensconced there had encouraged him to throw out the notion of a Democratic plant, proved upon inquiry to do him no more credit than the public performance had. There is a suspicion at the White House, perhaps imparted to Mr. Agnew, that the alleged discovery of a faulty telephone bug, announced by the Democrats weeks after the major act of espionage had been uncovered, was a heinous device to magnify the embarrassment of the Republicans. If he did expound his wild fancy at White House suggestion, which is quite likely, the Vice President blew the limited suspicion just described into a farcical implication that Democrats rather than Republicans were responsible for the entire affair.

The other example is Mr. Agnew's flat statement that the President had ordered the FBI to investigate the possibility that grain dealers with inside and improper information profited inordinately from the recent wheat sales to Russia. That investigation, he said, "is in progress." It was not in progress when he said it was; it is extremely doubtful that it had been ordered or seriously contemplated when he said it had been instituted; and the mishmash of White House and Agnew staff explanations that followed his statement suggests very strongly that the President finally authorized the investigation in order to cover up an Agnew fumble. The last thing the Nixon administration needed at that point was another investigation of itself by itself. Three other executive and congressional investigations of the Soviet grain deal were already in progress. A Vice President who is as smart as Mr. Agnew naturally wants himself thought to be would have been on the radiophone from his chartered Boeing plane, urging his White House mentors not to be stupid instead of—as his spokesmen claimed—getting authoritative word that a superfluous investigation had been ordered and started.

Apart from any indications of intelligence or lack of the same that these episodes may provide, they bear upon the Vice President's desire and endeavor to appear to be his own man on his own in the 1972 campaign. With some pronounced misgivings at upper White House staff levels, the Vice President has been allowed to play his campaign role without the direct White House supervision that he had to put up with in 1970. The Agnew staff takes outspoken pride in the fact that not a single Nixon assistant or adviser is with the Vice President on his campaign travels. It is well understood at the White House that only the President may order the Vice President to say or do anything. It is equally well understood that White House staff suggestions will be received and treated with respect when they are conveyed to the Vice President. The tone and content of his attacks on George McGovern, for instance, accurately reflect White House guidance and tell more about Richard Nixon than they do about Spiro Agnew. A minor question raised by the less impressive aspects of the first Agnew week on the road is whether guidance by remote suggestion is sufficient. The major question is whether Mr. Agnew is fitted to be either Vice President or President. My doubts on that score survived the week with him.

John Osborne

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Salvaging the Ethnic Vote

McGovern in New York

by Paul R. Wieck

New York City

The Secret Service was "very uptight." Streets are narrow in Little Italy, that stretch of Lower Manhattan just below "the Village." Every building is topped off by several floors of apartments and people would be hanging out of windows and from the rusty fire escapes. On a clear, cool Saturday night, the festival was sure to bring out a huge crowd and it would be a nightmare for security agents charged with protecting their man. But their man—George McGovern—summarily overruled them. It was the festival of San Gennaro and the Democratic nominee, desperately trying to resolve what one of his local campaign aides described as an "identity crisis" in New York's huge, white, ethnic and largely Catholic community, was determined to share one of the most visible of their local traditions. Only a few days earlier, Brooklyn Democratic Chairman Meade Esposito complained McGovern was ignoring the Italians. So McGovern came, his caravan led slowly into the streets lined with booths and crowded with festival-goers by police cars with sirens crying and red lights whirling. Crowds surged around the cars, then through the narrow streets seeking a glimpse of a celebrity who could be located in the surging mass only by the TV cameras held aloft. Now and then the candidate's beaming face could be glimpsed for a moment as he stepped onto the curb or the crowd broke just right. He moved through the crowd, enveloped by his protectors, shaking a hand here and there, pinning a $20 bill on the statue of the saint for whom the festival was celebrated, sampling the food. No speeches. It was over as quickly as his security forces could wedge him back into the car and lead him away. It was ethnic politics at its most visible. The next day, one of his New York managers shook his head and said happily: "We got just great coverage on the media."

Sitting in his apartment in Carlton Towers in midtown Manhattan sipping his breakfast coffee the following Monday, former Mayor Robert F. Wagner, Jr. explained that "one of the problems with George McGovern is that they don't know him. They'd seen a good deal of Humphrey. The ethnic leaders knew him. Ed Muskie was considered sort of one of them. McGovern is the midwestern son of a clergyman." But Wagner isn't without hope. "They like him when he gets to meet people," he said, his mind going back to a late afternoon cocktail hour on Saturday when McGovern met the leaders of the Steuben Society, a German-American organization, after its annual parade. On Sunday morning, a picture of McGovern getting a peck on the cheek from the parade queen made the local papers. That, too, was a plus.

Out in the boroughs, the young workers are getting a bit nervous. It's late September. "We're groping to associate ourselves with several favorable issues," a young man in Brooklyn explained. Wagner may be the best man to help McGovern do this. Today Wagner is greeted warmly on the streets as a symbol of the "good old days."

If you go about the city asking local leaders what issues are on the minds of people, you get one answer everywhere, "crime—in the streets *and* in the schools." Nixon was scoring heavily on that issue in New York the weekend McGovern put his mind to wooing the ethnics. The city was still reeling from the murder of a Columbia University professor as he walked down the sidewalk on the way home during daylight hours. Nixon, by chance or design, picked up "thousands of votes" in the Columbia University area according to a faculty member, with his condemnation in Laredo, Texas of "permissive judges." By the weekend that speech had a prophetic ring when stories appeared saying one of the suspects in the Columbia stabbing was a 22-year-old against whom two bench warrants had been issued August 10. Why hadn't he been taken into custody?

Wagner handles the question delicately. The importance of the "crime" issue, he says, "depends on where they live. It comes where new people are moving in, where there's competition for housing. In poor areas. The poor prey upon the poor." He didn't say the words "black" or "Puerto Rican." No one does. But it's hardly a surprise that racial conflicts in the inner city should be breaking up the Democratic Party in 1972. This could be the year it finally happens in a place like Kings County (Brooklyn), a Democratic stronghold of such proportions no nominee of the party has lost it since the multitudes of immigrants made their way across the East River and settled the potato fields that were once Brooklyn. In 1968, Humphrey carried Kings County 2-1. Today, McGovern is fighting to carry it by any margin,

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to solidify traditional Democratic support in the huge Jewish community, in Italian and Irish and Polish neighborhoods. How? By identifying himself as a Democrat in the mainstream of Democratic thought.

But there's a question of how much credibility the Democratic Party has in some of these communities, a question that Representative Frank Brasco (D), a young and liberal lawmaker of Italian heritage, explores. "I don't know if it's just George McGovern," he says. "What is disturbing them is the question of unbridled violence. The Democrats have been tabbed as more concerned with civil liberties." He goes on to say that "the issue is not busing. What they're worried about is what happens at the end of the ride. The problem of violence in the schools. They get assaulted, they can't use the bathrooms, there's extortion. Schools have always been considered a sanctuary free of the police; however, part of civil liberties is to make sure the citizen is safe on the streets."

What's happening in the classrooms of the public schools causes the Catholic communities to cling even more passionately to their parochial schools, hard-pressed though they may be financially. Up in Queens, City Councilman Thomas Manton (his district is Irish and Italian) admits "Nixon has wrapped up the Catholic vote." The McGovern backers in his area who are visible are reformers whom Manton describes as "anti-aid to parochial schools and pro-abortion."

Back down in Brooklyn, City Councilman Howard Golden insists the Israelis are "100 percent behind Nixon" and that it's having a major impact among his Hassidic and Orthodox constituents: "Just because McGovern held a rally in the garment district doesn't do much in my district. He's not clear on the issue of Israel. People still say to me: 'You're not going to support a guy who's anti-Israel, are you?' "

Nor are Golden's Italian constituents happy. To them, McGovern has a "radical" image. A tightly knit, socially conservative community of middle-income homeowners, the Italians of Bensonhurst were turned off by the $1000-a-person welfare scheme. "They're afraid of that kind of give-away program," Golden says. "They don't want to reward people who don't work. They want stability. You can't wipe it away with a 'gee, I'm not for that program, anymore.' "

Golden, himself, is worried about McGovern's organization. He's one of the few powerful local politicians left in Brooklyn and, watching reform clubs pop up on every side (a young Italian reformer, Frank Barbara, won the nomination for the assembly from Bensonhurst), he's naturally anxious: "I have little cockroaches crawling out of the wall telling me they've been designated to run the campaign in the district." He says it should be run out of his clubhouse and claims to be insulted by a request that he pick a place for a storefront. From the McGovern people you get a different story; they say they'd be delighted to run it out of his clubhouse and, if he keeps stalling, they'll be forced to go in and start a reform club.

It's hard to know how to go about wooing the ethnic communities these days, how solid that community really is and who has influence among these voters. The regular party politicians have been unable to mobilize them, either in primary or general elections in recent years (Arthur Goldberg carried Brooklyn but only with the help of votes cast on the Liberal Party line). It could be that other institutions—church, ethnic associations, unions—now have more influence. But how much?

Out in the suburbs where many of the Irish and Jews have found a more integrated way of life and where antiwar forces have been winning primaries, there are still problems of identification with working-class Catholics. A young Irishman from Nassau County who's active in a congressional campaign admitted it's tough in his county right now (Humphrey lost it but not too badly). He traces it to the Eagleton affair. "The sense you got in the bars when McGovern said he'd stick with Eagleton was identification with a guy who's loyal to his friends, an ethic the working class can understand. They rooted for him through those six and one-half days. After he dumped him, you could feel them turn off. It's just beginning to pick up a little." (McGovern drew a large and enthusiastic crowd in Nassau County on Saturday.)

McGovern is serving up some raw meat these days, hitting the administration hard on crime, pointing out it is "up 33 percent," that heroin addiction has doubled, that between six and one-half and 10 tons of heroin are smuggled into the country each year, that it's now "one of America's largest industries." He ties it to Southeast Asia, to the addicts returning home (an estimated 100,000), to the claim "one-quarter to one-third" of the heroin comes from Southeast Asia. But there's a sense among the voters that a new, tough approach needs to be taken, that candidates should talk in specifics. As Golden put it: "It's not enough anymore to get up and say you want to cure the illness of society. He needs to lay out what he'll do."

One observer analyzes it this way. McGovern's chances of carrying Brooklyn (he didn't say by how much) and breaking even in Queens are decent. There's some doubt whether he can deliver Manhattan's usual majority, but it adds up to "he'll carry New York City." But what about upstate and the suburbs which, together, easily outvote the city? The McGovernites upstate have opened 64 storefronts (they're paying for them locally) and are organized in the suburbs. But Humphrey needed a huge majority in New York City to offset them four years ago. Can it be produced again? The prognosis isn't hopeful. And can he carry the big prizes like New York, Pennsylvania, Ohio, Massachusetts, Michigan and Illinois

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without recapturing the bulk of the white ethnic vote? He can't. Nor can he pin down fringe states like Connecticut, Rhode Island and Maryland.

To travel with him in New York City, to get a glimpse of the strategy he's having to employ this late in the campaign, is to get a sense of how huge that gap in the polls really is. You could bring back a lot of Democrats, get a lot of "identity" in the neighborhoods and the suburbs, and still be a long way from closing it. You're reminded on trips like the one to New York that Humphrey had only a 12-point gap to close and he didn't quite make it.

Earned vs. Unearned Income

By Peter Barnes

The goose that lays golden eggs has been considered a most valuable possession. But even more profitable is the privilege of taking the golden eggs laid by somebody else's goose.

Louis Brandeis

Not long ago a West Coast bank president mentioned to me that a piece of land he had purchased near San Francisco, situated alongside a new state highway, had risen in value by about $100,000 in a few years. Several miles away was a low-income Chicano neighborhood, and naturally the new highway cut right through it, forcing residents to give up their homes and seek, probably without much success, equivalent low-cost housing elsewhere in the area. The bank president noted a certain irony in the fact that the same public investment could cause hardship to low-income families and simultaneously bestow a $100,000 windfall upon a man who scarcely needed it. But, he added, he would keep the money.

The bank president's windfall is an example of what John Stuart Mill called the "unearned increment"—the increase in land value brought about by general progress. The increment is unearned because the beneficiary has done nothing—other than buy land and wait—that might entitle him to be rewarded.

The question of what is earned and unearned becomes more complex when one considers ownership of capital rather than land. If a man invests his savings in, let us say, a new brick factory, he is surely entitled to a return on his investment. Society needs bricks; anyone who builds a brick factory is performing a socially useful task and should be rewarded. But the potential for unearned gain is present. If the brick factory happens to be located in a community that, for one reason or another, begins to thrive and grow, the factory appreciates in value. Some of the increased value will be attributable to the factory owner, and some to the efforts of others, but the factory owner will reap it all.

Suppose that the factory owner gradually buys out all other brick manufacturers in the area. Now he will be in a position to reap even more spectacular gains. The value of all of his factories will go up, as will his operating profits. That portion of his newly acquired wealth which is attributable to monopoly is clearly unearned. The factory owner, as monopolist, adds nothing to the general wellbeing. He is not producing more bricks than the individual factories, separately owned, once produced. He is probably producing fewer bricks and charging higher prices for each.

Observe another change that has occurred. The factory owner is no longer an original investor; he has become what might be called a second-generation appropriator. Whereas original investors are often risk-takers and innovators who contribute to the advancement of society, second-generation appropriators tend to accumulate wealth largely at the expense of others. Consider the sturdy New York apartment building I once lived in, which was constructed around the turn of the century and had paid for itself many times over before I moved in. The rents, far from decreasing after the building was paid for, were climbing all the time. Property taxes and maintenance costs, of course, were rising, but these should have been more than offset by the disappearance of financing costs. The problem was that financing costs did not disappear, but, in fact, grew, because the apartment house was sold and resold every few years, and each new landlord had to collect a return on his investment. None of the resales added anything to the joys of living in New York City; they merely saddled the tenants

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with somebody else's financing charges and profit margins.

These examples barely touch upon the possibilities for garnering unearned income in America. Bookstores abound with titles such as *How To Get Rich While You Sleep—Let Real Estate Do Your Work.* Magazines bring us wondrous tales of fortunes made through the use of leverage (*i.e.*, other people's money), of conglomerates whose paper values far exceed the sum of their parts, of tax-sheltered investments that effortlessly increase the wealth of the already wealthy.

There are, at least in my mind, two prime criteria for judging whether a person's income, or gain in wealth, is earned or unearned: (1) Does the activity which generates the income add to the supply of goods and services available to society? (2) Is the income a result of its recipient's efforts, or is he merely reaping the benefits of others' exertions? By these criteria, all income from productive labor, except for inordinately high executive salaries or professional fees, is earned. Income from the ownership of wealth is not, *ipso facto*, unearned, but is likely to contain a large unearned element. The precise categorization of income from wealth is somewhat complicated by the separation, in practice, between the earning agent and the beneficiary. A rise in GM stock may, from GM's standpoint, be partially earned; but from the standpoint of the absentee stockholder, who does nothing but open his mail, the increment might be considered unearned. Government handouts and subsidies should undoubtedly be considered unearned.

How large, in a given year, is the unearned segment of national income? Assuming that unearned income is operationally defined as all income other than that earned through labor, before-tax unearned income in 1970 was roughly $200 billion (national income, $800 billion, minus reported wages and salaries, $600 billion). This includes poor people's welfare, and, if we might call it that, rich people's welfare. A comparison between these two components is interesting. The total amount paid out by federal, state and local governments for aid to dependent children, general relief and other noncontributory welfare programs for the poor, disabled and aging was $16 billion. By contrast, the unearned income going to wealthowners included $34 billion in interest ($19 billion on the national debt alone), $25 billion in dividends and $23 billion in rent. And let's not forget unrealized capital gains and appreciations in land value, which are omitted from reported income. These aren't trifling amounts: the National Commission on Urban Problems, chaired by former Senator Paul Douglas, estimated that land values rose an average of $25 billion per year during the 1960s, while a study by James D. Smith of Pennsylvania State University found that, in 1958, top wealthholders enjoyed a net capital gain of $57 billion.

Rich people's welfare, besides being more plentiful than the poor's, is concentrated among fewer people. According to IRS figures for 1966, fewer than two percent of all taxpayers received 74 percent of all dividends and 76 percent of all capital gains. A large number of wealthy welfare recipients have done nothing more to qualify for their unearned income than to have the right parents. According to a study by the Federal Reserve Board, inherited wealth accounted for a "substantial portion" of total assets of 57 percent of those with income of $100,000 or more.

Rich people's welfare has many advantages over the poor's. There's no legal ceiling, no humiliating means test, no prying by social workers, no questions about men in the house, no public opprobrium, no danger of cutoff. You can hire accountants, lawyers and lobbyists to do your chiseling, and best of all, you don't lose a penny if you get a job.

If you happen to be one of those less fortunate millions who do have jobs, you will notice that rich people's welfare beats working, too. There's no boss to contend with, no unsafe working conditions and no need to be competent at anything. You can sleep late in the morning and not worry about rush-hour traffic. You needn't fear illness, sexual discrimination or getting fired. And to top it off, you're eligible for a dazzling array of tax breaks and subsidies.

That many forms of unearned income should be more lightly taxed than earned income may appear incongruous in a country that, according to Mr. Nixon, sanctifies the work ethic, but the explanation is not hard to fathom: wealthowners have more political power in America than nonowners of wealth. The list of tax privileges that wealthowners enjoy runs the gamut from the petty to the grandiose. The initial advantage is that taxes on unearned income are not withheld automatically, as are taxes on wages and salaries. Unearned income is also exempt from social security and other payroll taxes, which are the fastest growing federal taxes. In 1963, payroll taxes raised only 42 percent as much as personal income taxes; in 1973, the proportion will be 68 percent.

Another tax break for wealthowners is the deductibility of depreciation from taxable income, often at accelerated rates. This amounts to a hefty federal reimbursement for wear-and-tear, general obsolescence and decreasing earning power of wealthowners' assets. There is no comparable compensation for the declining earning power of workers' bodies and minds; there is, in fact, a regressive labor depreciation *tax* (*i.e.*, social security). Some wealthowners are particularly favored by the depreciation rules. Real estate wheelers-and-dealers, for example, are permitted high depreciation rates during the early years of owning a building; when deductions for depreciation start diminishing on one building, they can sell and start deducting on another. Owners of timber, oil, coal and other mineral properties receive a special allowance called percentage depletion. This enables them to

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deduct from taxable income not the actual decline in value of their assets, but an arbitrary percentage of gross revenues. What they save on income taxes can be many times what they pay for their properties.

By far the largest loophole for wealthowners is the preferential treatment for capital gains, (*i.e.*, increases in the value of property). First, unrealized capital gains are not taxed at all. This allows wealthowners to accumulate wealth without interruption or diminution; if they don't cash in their holdings before death, their heirs escape taxation on the long-term capital gain. Second, only half of realized capital gains need be counted as taxable income, or, if all is counted, the tax rate is approximately half the tax rate of income from labor, up to a maximum rate of 35 percent.

The epitome of unearned income is that which derives from inherited wealth. Theoretically, self-perpetuating fortunes could be whittled down by estate, gift and inheritance taxes, and there exists a federal estate tax with a nominal maximum rate of 77 percent on taxable estates over $10 million. But the tax has become increasingly porous since the 1940s. Through marital and other deductions, gifts and placement of estates in tax-exempt foundations and trusts, most large fortunes can be passed on virtually intact.

One could go on to discuss tax-exempt state and local government bonds, the tax advantages of stock options and various tax-sheltered investment schemes, but the point is clear. Except for dividends on stock and interest on savings deposits—the two types of unearned income most frequently collected by persons of moderate means—unearned income is treated by the Treasury with far greater respect than earned income. In other words, wealthowners not only reap from the labors of others, they pay lower taxes.

It is worth noting that the tax system was not always so one-sided. The property tax was, in its historical antecedents, a genuine tax on wealth; only in relatively recent times has it become primarily a tax on the average man's residence (*i.e.*, property on which banks make income, but workers pay taxes). The federal income tax was intended to be a levy upon income "from whatever source derived," as the 16th Amendment put it, and not primarily a tax upon the wages of labor. There was once, in fact, a special deduction from federal income taxes for income earned from labor, but it was abolished during World War II for the sake of "simplification of the tax code." Nowadays the maximum tax rate on earned income is 50 percent, as opposed to 70 percent for unearned income, but this is a distinction that benefits salary-earners only at the very top, rather than the bottom, of the wage scale.

Things would be sufficiently out of kilter if government favoritism for wealthowners stopped with the tax code, but the state's generosity goes further. In addition to the relatively small sums that the government dispenses to those who are too old, young or sick to earn income from labor, the government expends billions of dollars annually that add to the unearned wealth and income of the propertied. Sometimes the subsidy to wealthownership is indirect, as when a government-built highway, irrigation project, airport or other public facility augments the value of nearby land (and, to a degree, capital). In such cases, workers benefit in that they may use the new facility, or be employed by it, but they enjoy no gain in net worth, and indeed may have to pay user fees (*e.g.*, tolls), higher rents and property taxes.

Often and quite consciously, the subsidy to wealthowners is direct. The Joint Economic Committee last January published a rather astonishing study in which it is estimated that federal subsidies to private citizens or businesses, intended to alter their economic behavior, totaled more than $24 billion in 1970. These handouts were of two basic types: subsidies to consumers and subsidies to producers. The former included food stamps, grants to students and job trainees and a few other items; the latter encompassed everything from indemnities to beekeepers to cash payments to regional airlines.

The justification for subsidizing producers rather than consumers, and among producers, wealthowners rather than workers, is the old trickle-down thesis: if enough benefits are handed out to wealthowners, something will seep through to workers. Some consequences of this approach can be seen in two major federal subsidy programs—the section 235 and 236 housing assistance programs of the Department of Housing and Urban Development, and the farm subsidy program. HUD's section 235 and 236 programs were intended to stimulate the construction and rehabilitation of inner city homes and apartments. The idea was that if HUD subsidized lenders and developers by paying most of the interest cost on housing loans, more units for low-income families would be built. More units *were* built, but so many were overpriced and shoddy, and so many inexperienced buyers were cheated by subsidy-seeking speculators, that HUD has been racked by scandal and saddled with thousands of repossessions. Sadder, wiser and billions of tax dollars later, HUD Secretary George W. Romney now admits it would make a lot more sense to give money directly to poor families to buy or rent shelter in the regular market.

The farm subsidy program, when it began during the New Deal, was intended to keep impoverished small farmers and sharecroppers on the land. Since the 1930s, the program has been transformed into a windfall for the biggest owners of wealth. Payments are made to landowners to take acreage out of production, not to workers to work, or even not to work. In 1969, the wealthiest seven percent of farmowners received 40 percent of the benefits, while the poorest 50 percent got nine percent, and millions of landless farmworkers received nothing. In fact, by paying land-

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owners to withdraw land from production, the program causes a hardship to many farmworkers, depriving them of the opportunity to earn income from labor. They then must apply for poor people's welfare, for which they are roundly excoriated by subsidized landowners.

The convoluted ethical posturing that surrounds the receipt of unearned income is one of the most curious aspects of this entire subject. Hard work, goes the litany, builds strong moral fiber. The distributive corollary is that no one is entitled to income unless he gets off his butt and toils for it. In point of fact, the notion that income ought to be related to labor is not without merit, but the righteous indignation that usually accompanies its assertion is pointed in the wrong direction. Certainly there are able-bodied persons whose characters are presumably being weakened by receipt of unearned income. But the more these recipients get, the more likely they are to think of themselves as deserving, upstanding leaders of the community. One thinks, for example, of Richard Nixon, a strong believer in "workfare, not welfare," and a man who has used the nation's highest office to extol the character-building virtues of mopping floors. What, one wonders, might have been the debilitating psychological effects of Nixon's bounteous legal fees at Mudge, Rose, Guthrie and Alexander, where he labored to preserve and expand the unearned income of wealthowners? And what grievous spiritual toll must he have suffered from the unearned increment he made in Florida real estate? The point is not that Richard Nixon is a parasite, but that the question of how our system rewards labor and nonlabor needs to be demystified and sensibly debated.

This is the second in a series of three articles on the way wealth is distributed in America.

Liberating Ourselves from Deadly Dogma

Aid to Parochial Schools

by Adam Walinsky

On a June Sunday before the Democratic convention in Miami Beach, New York City Councilman Matthew Troy predicted that President Nixon would be dressed in an altarboy's robe before election. The following Monday, Mr. Nixon put it on, becoming the first American President to propose significant direct federal support for parochial schools. On September 19, "after careful thought to all the difficult questions involved," Senator McGovern in effect endorsed the Nixon plan: a tax credit of up to $200 per child to every parent who pays tuition to a nonpublic elementary or secondary school. In other words, the candidates would have the federal treasury reimburse parents for the expense of sending their children to private and parochial schools.

The candidates have agreed on a worthwhile goal, but they have taken a wrong road. Their plan, at least in its present form, is virtually impossible to get through the Congress. And in the unlikely event that it were passed, it would be subject to serious constitutional challenge. And even if it could be passed and sustained, it could not produce aid to the parochial schools in time to prevent many of them from closing. In some quarters, this may be cause for rejoicing. Traditional liberal support for the public schools has long gone hand in hand with opposition to any aid to Catholic parochial schools. (Thus the National Education Association, barely a week after its warm endorsement of McGovern's candidacy, "vigorously protested" his parochial aid announcement.) Precisely for this reason, aid to those schools is one of the sharpest tests posed to the post-McGovern Democratic party.

It is widely recognized that the party this year may lose tens of millions of nominally Democratic votes among urban, blue-collar Catholics. The latest polls show Mr. Nixon, who got 22 percent of Catholic votes in 1960 and 33 percent in 1968, carrying over 60 percent in 1972. Should defections of this magnitude take place, the already-celebrated "Jewish problem" will appear as no more than a carbuncle on a cancer victim.

In industrial states that are natural provisioners of Democratic victory—New York, Pennsylvania, Illinois, Ohio, Michigan and New Jersey—blue-collar Catholics

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are the indispensable base of Democratic majorities. Those who would ignore them and rely instead on new voters, particularly the young and racial minorities, ignore a fundamental law of electoral mathematics: two is twice as much as one. A new voter is one vote; a former Democrat who goes over to Nixon is two votes: one lost and one gained for the other side. McGovern must carry the working-class Catholic vote if he is to have any chance at all. But beyond electoral mathematics is a larger concern: the governing of the country and the turning of even our most modest dreams into partial reality.

There is today a profound separation between liberal leadership and a large segment of the American working class. The conflict between them is over how much the working class (seldom the liberal elite) is to give over to blacks and other long-suffering groups; it is over a host of other class-defined issues, such as the volunteer army: whose sons, after all, will accept the new $1500 bonus for enlistment in the combat arms? All during the years of liberal reform, there has not been one serious manifestation of liberal concern, not a single item on the liberal agenda that related to working-class people, particularly Catholics, in anything but the most general way. And often compounding the problem, like twisting a broken bone into the flesh, has been an implicit liberal self-righteousness that treats defeats of Catholic interests as triumphs over the devil. Aid to parochial schools is pictured not only as unconstitutional, but as the work of a conspiracy operating out of the local chancery. In such an atmosphere, there is little chance for liberals to persuade the Catholic working class to make major sacrifices—of jobs, neighborhoods, places in schools or the civil service—for the more depressed minorities. If all this is to change, it will only be through a liberal recognition that if you want someone to sign on *your* agenda, it had better include an item or two from *his*. Senator McGovern's acceptance of the principle of aid to parochial schools is a welcome demonstration of understanding.

About 4.2 million students, nearly one out of every 12 American schoolchildren, are enrolled in the 12,000 Catholic elementary and secondary schools. These schools are in trouble. Expenses are rising sharply, and revenues are not keeping pace. An increasing proportion of parochial school students are too poor to pay tuition, particularly in the inner cities; for example, black and Puerto Rican children are 60 percent or more of enrollment at parochial schools in Manhattan, and 38 percent in the Bronx. At the same time, total enrollments are falling, partly because the parochial schools find it difficult to maintain standards in the midst of revenue shortages, partly because all pupil enrollments are starting to fall as the baby boom subsides, and partly perhaps from a general weakening of faith. The schools are open now only by virtue of heavy subsidies from the Church proper, which in many places is not making the deficit up from income but from capital. The likely result, already underway in many places, is widespread school closing. But should a substantial number of parochial schools be forced to close in the next four or five years, the additional burden on the public schools would be severe, and in some areas catastrophic. Estimates are that closing of the severely troubled Detroit parochial schools, for example, would nearly double the public school budget, which is already so short that the current school year is to end in April.

For those whose children attend them, the parochial schools are bastions of safety, discipline and learning, in the midst of public schools that are increasingly unsafe and undisciplined, and seem to have given up on any hope of teaching. Many working-class Catholics already feel assaulted in their jobs and neighborhoods by the forces of urban change—particularly, of course, by blacks. They tend to live in more integrated neighborhoods, areas open to greater conflict and violence. Crime and the fear of it have come to dominate their lives, to a degree undreamed of even three or four years ago. If they now are told that the parochial schools that have been at least the haven for their children are to be closed, then there is little to hold in the city those who can afford to move out. For those who cannot afford a home in the suburbs, there will be little but bitterness. The result must be not only increasing residential segregation, but paradoxically, increasing school segregation as well. For the evidence of recent years is that in the heavily mixed neighborhoods that support many parochial schools, there is more integration within the parochial schools than there would be in any schools public or private, if a new group of white students were to go rocketing to the suburbs. Speaking of New York City only, where over 20 percent of all students attend parochial schools, these schools may well hold in the city at least 10 percent of the whites who do remain.

From another perspective, blacks and Puerto Ricans would be among those feeling the sharpest loss from the closing of parochial schools. Whether at St. Martin de Poore's in Detroit, a 90 percent black school that graduates 90 percent of its students and sends 80 percent of those graduates on to higher education, or at St. Athanatius in the South Bronx, or at a host of other similar schools around the country, there is at least some evidence that the parochial schools do more teaching of poor children than do most central-city public school systems. Black and Puerto Rican parents are among their strongest supporters.

But more is involved here than the schools themselves. The parents of parochial school students, 75 percent of whom have incomes under $10,000 a year, are among those who most sharply feel themselves ignored and scorned by every element of government policy over the last decade: poverty programs, job programs, education programs, wars, taxes; all for the

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benefit of others, all with these people paying much of the cost. Of course they share these discontents with other citizens. But it is also true that these parents are not only taxpayers and citizens, they are also Catholic and ethnic, Poles and Italians and Irish. That is something many of them are now trying to establish as an element of worth, a badge of honor as beautiful as being black. The least we might recognize is the worth of one part of their heritage that they are desperately trying to preserve: that is, their schools and the tradition they represent.

The President has proposed, and Senator McGovern has agreed, that parents receive a tax credit for the tuition they pay for each child enrolled in a nonpublic school, up to $200 each child. A tax credit is far more valuable than the usual tax deduction. A deduction reduces taxes only indirectly, by an amount that is far less for lower-bracket incomes than for higher. A credit, on the other hand, directly reduces an individual's tax bill by the full amount allowed. This plan has the virtue of giving very significant assistance to nonpublic schools. It also has certain pronounced disadvantages.

First, there are serious potential doubts of its constitutionality. In the end, there is no functional difference between giving a parent a tax credit for the tuition he pays, and a direct payment by the federal government for tuition to the school, which would clearly be unconstitutional. The Supreme Court has held constitutional an exemption of church property from local real estate taxes. In that decision, however, the Court stressed that it was allowing the exemption only for property used directly for worship, and that the exemption had a long and established history. Neither reason applies to the case of a tax credit for school tuition.

Second, on the merits, the tuition-credit proposal is both too narrow and too deep: that is, it gives enormous potential tax relief to each recipient, but relief goes to a very small number of people. For example, a $10,000-a-year family with two children in parochial schools would subtract $400 from their normal $800 tax bill—a cut of 50 percent. A $15,000-a-year family with four children in parochial schools would receive $800 in tax credits, and perhaps pay only $700—less than half of what a comparable family with children in public school would pay. Yet only one-third of American families are Catholic, and only one out of four Catholic families send their children to parochial schools; this is a small group to receive such substantial benefits. Mr. Nixon's recent statements speak vaguely of making the credit available to all parents, including those of public school children. The illusory nature of this promise is apparent from the cost, which would be well over $10 billion. Obviously, Mr. Nixon is planning no such immense tax cut; public school parents could expect only token relief in comparison to that afforded parochial school parents.

Third, potential payments on this scale may well encourage the creation of entirely new private school systems set up specifically to evade desegregation orders, particularly in those states where per-pupil costs of public education are not much more than $200, such as Alabama, Mississippi and Arkansas. Since so many new schools might be created, the program's potential costs are unknown and unascertainable. Moreover, existing schools will be encouraged to raise their tuition at least to the $200 level.

Finally, it is evident that the plan simply cannot pass. Over four-fifths of its benefits would be concentrated in seven states, which now hold over 83 percent of all parochial school pupils. Seven states have 14 senators. No plan of this magnitude, affecting such a small number of senators, with admitted constitutional handicaps, and with anti-Catholic prejudice remaining in much of the South and West, has any reasonable chance of adoption by Congress.

An alternate plan has been developed by a group of laymen and lawyers working in New York. Under this plan, the tax credit would not be based on tuition paid to a private or parochial school. Nor would its benefits be confined to parents of children attending such a school. Instead, *every taxpayer could take a modest tax credit*—$25 for each individual, $50 per couple—*for any charitable contribution now entitled to a tax deduction*. In other words, the first $50 (per couple) of the current accepted tax deduction would be turned into a dollar-for-dollar subtraction from the taxpayer's tax bill.

Under such a plan, parochial schools would not raise the money they need by raising tuition to the children who attend them (which payments would then be reimbursed to the parents by the Internal Revenue Service). Instead, the schools and the churches would conduct general fund-raising drives among all those interested in the survival of the parochial schools: parents of course, but also alumni, grandparents and uncles, parishioners at large. The availability of the charitable tax credit would make fund-raising far more effective than it is at the present time, effective enough to assure the survival of the schools.

Such a credit would be available not only to church-related schools, but to the entire range of charitable activities in the United States. Private universities, Boy Scouts, 4-H Clubs, CORE and NAACP, the Congress of Italian-American Organizations, the local hospital or community fund drive—all these vital institutions could be expected to significantly increase their fund-raising capability. Unlike the Nixon plan, the benefits of this plan would be confined to no special religious section of the country, no special religious group, no small group of states. Rather they would be available to every taxpayer, of whatever religion or none, in every state in the Union.

This alternative plan would have the following addi-

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tional advantages:

First, it would be constitutional. For legal purposes, this kind of tax credit is only a modification of the present charitable deduction, which is clearly constitutional. Thus its benefits could start flowing immediately—if the Congress were to act quickly, perhaps in time for the next school year.

Second, this plan is in significant respects a plan for tax equity. Under current law, a high-bracket taxpayer gets major tax advantages from the charitable deduction. The great majority of taxpayers, however, use the standard deduction, and thus get no tax relief for their charitable contributions. This plan would afford to every taxpayer the opportunity to make a charitable contribution for which he receives a tax benefit.

Third, it could not be used to stimulate the creation of new school systems to evade desegregation. No single parent could get enough tax relief to pay the tuition in such a school; and the wider constituency from which funds would have to be raised does not seem to exist for such schools.

Fourth, the maximum cost is definite and ascertainable. Giving a credit of $25 to each individual, with $50 credit for each joint return, would result in a maximum possible revenue loss of about $3 billion a year. Against this loss, there would probably be savings in slightly reduced direct federal support for higher education, and other programs.

Fifth, unlike the Nixon-McGovern plan, this would allow for the support of the most praiseworthy of the efforts of the parochial schools, to educate the children of the inner city. Money for church schools comes from three sources: tuition payments by parents; parish funds raised locally; and diocesan funds raised at a city- or statewide level and then distributed to the schools by the church. It is the inner city parochial schools, where parents are often unable to pay any tuition whatever, that are in deepest financial trouble today. The candidates' plan would give these schools virtually no help; its greatest benefits would flow to the relatively well-to-do schools and parishes in the suburbs. The general credit, however, would significantly expand the church's ability to raise money for the more important schools of the ghetto.

Most importantly, perhaps, a general credit can be passed. Because its benefits are widely spread, because they go to every section and persuasion of taxpayer, it can attract support from all shades of political and social opinion. The candidates' promise is a restricted railroad ticket: good for this election only. This promise is real.

It may be asked: instead of giving such a tax credit, why not just lower everybody's taxes by $25? The answer is that for at least a decade, we have recognized in the public policy of the nation that larger proportions of our wealth must be devoted to public purposes. At the same time, however, we have come increasingly to realize that the federal government is not always the best agent to accomplish this transfer. Many of us feel a deep need or desire for certain government programs; yet often these precise programs are resented and opposed by other taxpayers. Many whites resent government payments to the more militant black poverty programs. There is an inherent contradiction in government support of programs, like OEO Legal Services, that challenge its own authority. There are serious questions to be asked about government programs of support for the arts—when does support become control? Many taxpayers would rightly resent government payments to church-related schools. Yet all of these programs, however resented by many, perhaps even by a majority, are deeply desired by their own special constituencies. And all of us would probably agree that whether or not *we* want to pay for them, such programs should exist and survive.

Therefore, the time has probably come to recognize that as to certain kinds of admittedly worthwhile activities, government should not try to make direct support payments. Instead it should encourage individual citizens to make their own private decisions about which programs deserve their support. Aid to parochial schools is just such a program. This plan does encourage, without compulsion, interested citizens to give the necessary support.

One final word: this plan will not automatically capture the votes of Catholics, nor will Democratic failure to adopt this or a similar plan leave the field to Mr. Nixon. Catholics, like other Americans, are concerned with the war in Vietnam, with the state of the economy, with crime and drugs, the justice of the tax system and the integrity of our public officials. But we Democrats have come to recognize that we can no longer take for granted the votes of blacks, of women, of Mexican-Americans or of a dozen other minorities. No more can we take for granted those millions of traditional Democrats who have been the backbone of the party in the past. Still less, in politics or in conscience, can we turn away from them on an issue of such critical importance to their children and to the substance of their lives.

The Democratic Party has an obligation not only to repay them for their support in the past, but to offer them hope for their future. Only in that way, I believe, can the party assemble the coalition that the nation and the times demand: not one which narrows the Democratic Party in search of a nomination, but one which builds upon and broadens the strength of the past, adding to it the new strength of campus and suburb. To do otherwise is to risk the worst political sin of all, which is not failure, but irrelevance to the concerns of our people; and as well to all of those children, black and white and Puerto Rican, Catholic and non-Catholic, for whom the parochial schools are one of the few bases of stability in the difficult and often menacing urban world.

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Stanley Kauffmann on films

The Assassination of Trotsky
(Cinerama)

Bad Company
(Paramount)

Joseph Losey's picture about Trotsky is atrocious. When the project was first announced, I had a small hope for it, despite the preening, torpid estheticism of Losey's recent films, because he has some knowledge of radical politics (and suffered from it in the McCarthy days, which is how he became an "English" director). But this film is the work of a man who went back to something that had once been vital to him and converted it all into tritely psychologized, pretty-pasteboard nonsense. It is almost an act of revenge.

Screenwriters are complaining these days, with great justice, that their work is being scanted in all the uproar about directors. Let's give this script the attention it deserves. Nicholas Mosley is an English novelist, author of the book from which Pinter made the screenplay of *Accident* for Losey. Here, doubtless under Losey's guidance, Mosley has made a script in which old Trotsky, puttering around his Mexican garden, spends equal time feeding his rabbits, patting his companion Natalya, and quoting from his own works; in which the assassin uses his Trotskyite girlfriend as a means of access to his victim but becomes impotent and rabid as the murder-moment approaches; in which the only possible point is the contrast between two couples, victim and woman, assassin and woman. Losey-Mosley must have had some reason for making this picture. But all I can get out of this script is that Trotskyism shows people how to love and relate, and that Stalinism is the result of psychosis, keeps people from good sex relations, and drives them to murder. That theme is either far, far deeper than anything that Mosley shows, or else it is a sickening, superficial joke.

The structure, full of inserted character-building touches and obvious parallels and spring-driven data, is about as lively as a Hollywood bio-pic of the '30s. The dialogue, outside of Trotsky's quotations, which are hardly his best, is incredible in two senses. Example:

"I can't believe you're going."
"All good things come to an end."

In the past Losey at his worst—no, except at his very worst like *Boom!* or *Secret Ceremony*—has usually provided some scraps of cinematic pleasure. Here there are none—only platitudes like the freeze-frames, or blatant underscoring, like the intercutting of bullfight clips as Jacson's moment of truth approaches. The murder-moment itself deserves to be called decadent. Jacson stands behind the seated Trotsky and takes the pickaxe from under his folded raincoat. Then Losey gives us a shot of the back of Trotsky's head as Jacson looks at it, a really terrifying moment—vulnerability in essence. An artist would then have shown us Jacson swinging and Trotsky bleeding. But Losey has to make Trotsky rise and turn to Jacson and has to give us a shot of both standing, Jacson holding the pickaxe whose point is fixed in Trotsky's skull. What could have been the horror of the act becomes the horror of the film. That shot crystallizes the putrefaction of Losey.

Richard Burton, the Trotsky, has no character to play, which is what he plays. Valentina Cortese, the Natalya, is herself lovely and gracious, which helps a bit. Romy Schneider, Jacson's girl, reminds me a little less than usual of a saccharine Fritz Kreisler encore, which is also a help. And there is a glimpse of Simone Valere, the best Ophelia I ever saw (with Barrault in New York 20 years ago), as a visiting Frenchwoman.

The only substantive reward in the picture, however, is Alain Delon as Jacson. Never mind the writing of the part, in which there seem to be two characters, one cool and the other crazy, with no believable schizophrenia. In the first part (as in Melville's idiotically retitled *The Godson*) Delon does the icy killer perfectly. He is a real film star. We make our own films while we watch his impassive face. When you add his powers of *expressed* acting, as shown for instance in *Eclipse* and the raving passages here, the sum is impressive. I always like to see Delon. The first shot of him here, bespectacled, shaving, is the best in the film.

Giorgio Albertazzi, of *Last Year at Marienbad*, is featured in the credits, but I didn't see him anywhere.

Trotsky has been used as the center of fiction before this, for instance in Peter Weiss's play *Trotsky in Exile*. That play is not exactly a lithe and limber work, but at least it recognizes, from its title on, a certain function and view. Trotsky is the one great political figure of this century who continued to be a great political figure after he lost power. He spent nine years in office but almost 14 years in exile before his death. He functioned by being alive and by writing—he was a great man of letters. His life and his writing were so potent that, though he had no temporal power, Stalin had to have him killed.

In one of the sad scandals of film history, Eisenstein eliminated Trotsky

(continued on page 33)

Films Worth Seeing

Cabaret. Life is *not* a cabaret, old chum, still this musical derived from Isherwood fiddles flashily while Berlin burns.

The Candidate. Surprising, the resentment this (neatly made) film about a campaign has aroused among "sophisticates." Not the whole truth, but surely a big bitter part of it.

The Emigrants. Max von Sydow and Liv Ullman in a well-made narrative of Swedes leaving Sweden for the US in 1844.

The Ruling Class. Peter O'Toole and a superb cast in a messy but well-written satire about a religious maniac who succeeds to an earldom.

La Salamandre. A funny, grave, important film. Two TV documentary writers want to write a script about a workingclass girl, but her reality is too much for them. Swiss, believe it or not.

The Sorrow and the Pity. Four and a half fine hours of documentary about wartime France and some survivors.

Tokyo Story. A treasure. Yasujiro Ozu's story of an old couple, their children, *their* children, a picture that gently asks the largest possible questions.

SK

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Robert Brustein on theater

I Never Left Home

London

At the Oval House in Kennington, a troupe of self-infatuated post-adolescents called the Pip Simmons Theatre Group is offering *The George Jackson Black and White Minstrel Show*, described as a "coon show for adults and white liberals." As the title and subtitle archly suggest, the presentation is planned as a smart piece of irony on the subject of race, but the irony quickly grows so leaden that it doubles back on itself, indistinguishable from the thing it wants to attack. Conceived as a radical indictment of racism, the show finally emerges as profoundly racist in its own right, as well as a noisy testimony to the new stage license in speech and ruffian antics.

Dressed as 19th-century black-faced minstrels, in flowing bow ties, white gloves, baggy pants, polka-dot dresses and fright wigs, this scruffy group of eight men and women comes at you like an obstreperous juggernaut, flinging ripe bananas over your clothes, shining kleig lights in your eyes, flopping sweatily onto your lap, and even haranguing you incoherently during the interval—all this as witness to its moral and political purity, and social and aesthetic disdain. (By contrast and in retrospect, the Living Theatre begins to seem positively ingratiating.) Whenever the evening begins to grow intelligible, however, it becomes even more unsavory, since it is conceived as an encyclopedic catalogue—compiled in colloquies between Mr. Interlocutor and his corps of minstrels (Sambo, Bones, Rastus, etc.)—of every slur ever invented against the black race.

Through jokes, skits, monologues and rock songs, we are reminded that blacks (or "niggers" as they are persistently called) are commonly thought to be stupid, lecherous, cowardly, murderous, gluttonous, deceitful and kindred with apes. At one point, Mr. Interlocutor sells his cast in slavery to the audience, doting particularly on the women ("On a cold night they're a lot of fun . . . not too clean . . . but *fun*!"); at another, he sends them into the house with machetes to threaten the spectators with castration and cannibalism. For a climax, he brings the dead American convict-revolutionary, George Jackson, into a ring to fight a white gorilla, who pummels him remorselessly under strobe lights. And finally, he has Jackson trussed up in a post office bag, hoisted aloft and shotgunned to death, while a cross is set afire, burning dangerously close to the flammable lighting equipment and the equally combustible spectators.

What seems to have escaped this troupe is that, being white actors, they have no more earned the right to moral superiority than the rest of the white race, and that racial insult is no less offensive when uttered with clumsy irony by radicals than with conscious scurrility by racists. The whole affair struck me as the product of white people entirely confident in their numerical superiority—therefore safe to articulate, however derisively, the kind of viciousness so frequently seen in London graffiti, and free to fantasize a black revolution without fear of its consequences (in such an eventuality, would the Pip Simmons Theatre Group be spared?). The troupe plans a tour of the United States; I am doubtful if it will be hospitably received, not because of hostility from whites but from blacks. For despite its obvious therapeutic value for the cast, which is permitted to evacuate forbidden fantasies, *The George Jackson Black and White Minstrel Show* makes no contribution whatever to the problem of race. One begins to sympathize with the demand by blacks that guilty liberals and bohemian radicals leave their subject alone, for if these are friends, blacks need look no further for their enemies.

The Recreation Ground production of *Jack* (at the Act I) is unlikely to solve any problems either, but partly because of its tacit admission that problem-solving is not one of the theater's functions, it seems a more appealing evening. A group-authored event revolving around a filmmaker's effort to create a documentary on the Covent Garden redevelopment issue, *Jack* slides frequently off its social platform in order to probe various degrees of stage reality, and to examine the personal lives of those participating in the event. This slippage is at once the play's most interesting feature and the cause of its eventual failure, for it manages to avoid the perils of propaganda only at the cost of losing focus.

Short sequences casually ordered around the protagonist show us his relationships to his profession, his wife, his girl and to Jack, a Covent Garden porter whom he wants to be the central figure of his film; various solutions to social grievances, including Marxism, are debated perfunctorily; and a moving scene exposes the loneliness of a Covent Garden woman, recently relocated in a cold housing project. The evening finally adds up only as a series of loose cinematic impressions, lacking either shape or point—except perhaps that documentary film directors exploit their subjects in much the same manner as real estate developers. Even this embryonic idea is aborted, however, by the introduction of irrelevancies: a character creates an imaginary orange tree on stage which grows out of con-

Robert Brustein *is in London for the year, on leave from Yale, and writing a weekly column for* The Observer. *Some of his columns will also be printed here.*

Summer Place

I am gone many weeks now
from that gray ramshackle
summer place.

Four winters I spent there without
furnace
fixing my own fires

a fugitive from bric-a-brac.

I rattled there,
watched spiders spin,
the brine-winds nibble paint.

I listened to screens and shingles clap
sea-chanteys.

I managed with a leaking roof,
plain fare, and only
one chair.

It had a certain charm but
no cushions; if there was comfort
it was not in couches
but in chimney-winds.

What kept me on
was what drew me in;
it seemed
after where I'd been

so full of windows and empty rooms

Jean Morgan

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trol; a human snake, formed by actors uttering monosyllables, carries the director around the stage; robot-like figures pushing shopping carts and wearing headsets enact a "media supermarket." I suppose much of this could be justified as examples of the mechanization caused by social engineering and human conditioning—but too often such sequences look like nothing more than the preparatory exercises of actors.

And this, ultimately, is the shared failure of most group-authored projects: They lack a forceful shaping imagination. Actors are frequently capable of imaginative improvisation in short spurts, but it takes the playwright's hand to form, sustain and edit a creative impulse. (Even our Open Theatre, to which this group owes much of its technique and inspiration, has never worked particularly well without the aid of a playwright.) Still, the Recreation Ground performers are attractive (in the case of Jean Viner, both attractive and skilled), and they manage to be serious about their work without being solemn or righteous. Perhaps somebody gifted will break from the group and, braving inevitable charges of autocratic elitism, impose something clear and unified on the direction of its work.

One final observation. At the risk of appearing to generalize wildly after only one week at my theater-viewing job here, I would like to record my impression of the large number of performing groups to be found on the London fringe, and the extent of their indebtedness to American influences. The first testifies to a salutary vigor in the theater life of this city, the second to a derivativeness that may eventually threaten his health. For if these two groups are at all typical, the English fringe theater is, at present, displaying the same flaws that caused the off-off-Broadway movement to break down: crudeness, vulgarity, auto-intoxication (in the case of the Pip Simmons Theater Group), and (in the case of Recreation Ground) self-consciousness, self-indulgence and shapelessness. As far as this form of theatrical expression is concerned, it's beginning to look as though I never left home.

COMING
Fall Book Issue
October 21

Sedulus on TV

Psyching the McGovern Campaign

Any bus rider knows that by some law of transport there has to be at least one wise man on any well-filled vehicle. Recently on my morning bus a particularly profound looking joker held forth for 15 minutes on *all* significant contemporary topics, and concluded, just as I was rising to pull the cord, with the most conventional wisdom available this month: he had been surprised a few years back to wake up and find that Tom Dewey had not been elected, but didn't think he was going to be surprised this time. I got off with his think-think ringing in my ears.

I had been thinking darkly anyway for some time about what Americans think they think, and why they place any stock in it. I used to be amused by pollsters and other quiz artists asking questions of the man in the street such as, Do you think there will be a war in the Middle East? Do you think Shakespeare was really the Earl of Essex?—I couldn't understand in the old days why that idiot (the man in the street) was expected to have worthwhile thoughts on such matters, but I do now; I'm older. I know that if 75 percent of Americans should come to think that Shakespeare was really the Earl of Essex, the Earl of Essex would he be.

At least 75 percent of us now think McGovern hasn't a chance, so he doesn't. That 75 percent includes McGovernites. (The polls show somewhat more than 25 percent of the citizenry voting for McGovern, but my own estimate is of how many *think* he will win. Should I reduce the number still more?)

One of the editors here was on a TV panel show last week ("NBC Reports," Tuesdays at 10 pm) prattling about poor old Tom Eagleton and what the Press had done to him, and remarkably the panel had a clear majority opposed to the Press and thinking dark thoughts about the Press's role in the election. Before the Eagleton blow-up it would have been hard to find a McGovernite ill-disposed toward *any* kind of Press attention. The campaign has all gone sour somehow; the Eagleton affair was only a part, but it was a most significant part, so that there is now little but gloom over the land of anti-Nixonites, and Frank Mankiewicz on the same show complained that post-morteming the Eagleton killing was just something else to be gloomy about. Maybe so.

Well, the Press and the promoter-types may be moping about the mysterious ways of opinion-making, but not so the pollsters. At least George Gallup and Louis Harris recently asserted before a congressional committee that they saw no bandwagon effect for Nixon being produced by the strong Nixon showing in the polls. The polls, they thought, might produce the opposite effect—people voting for the underdog—but bandwagon, no.

Heavens to betsy, if the poll can be imagined to effect change in one direction and among *certain* blokes, then it can be imagined to effect change in other directions and among *other* blokes. Seems to me the pollsters are thinking their polls don't influence the peepul directly because it would be bad for pollsters if polls *did* influence the peepul directly. The Press is in the same boat, thinking what it is healthy for it to think. To the extent that the Press is the media and selling aspirin to the millions it thinks itself to be influencing decisions like mad, but to the extent that it is a manifestation of our great and wonderful free Press it thinks itself to be merely passing on the dope that an enlightened public can make its own enlightened decisions about.

'T'aint like that, folks. We McGovernites are all moping together. We are suffering from a mild depression brought on by an accumulation of pundits saying no on buses and in the Press. The bad showing of McGovern is partly—and we don't know how much—a manifestation of our hearing about his bad showing. So let us order 10 million copies of the *Power of Positive Thinking*, and in the future think of elections—and the polling and reporting thereof—as only partly political events, the rest being psychic and extremely delicate, that is, easily damaged by platoons of professional thinkers marching across the nation's screens in muddy boots.

Or to put it differently: when Senator Muskie sat beside his fireplace in Maine and delivered a fireside chat he neglected to light a fire, and it sure showed. McGovern is now beginning his TV campaign—will somebody please put the torch to them gorgeous logs?

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Where Did Neighborhood Go?

A Nation of Strangers
by Vance Packard

(McKay; $7.95)

"Good fences," Robert Frost's neighbor told him, "make good neighbors." And, Frost's American pragmatism to the contrary, his neighbor was right, having a ritual sense of the human need for definition. He knew that walls don't merely divide people, they define the perimeters of self and where the self meets others. Mending walls, then, is an essential ceremony of neighborliness. In opposition to this neighbor the pragmatic skepticism of Frost's voice in the poem reminds us how little modern America has understood the profound implications of *neighborhood*. American materialism has canonized *property* and in doing so has managed to divorce the letter and spirit of the concept of neighborhood. Spiritually property means place, the place where one stands, from which one sees, by which the self is defined and made able to relate to others. It is the key to answering the basic questions: who am I? what am I? where am I? And therefore it also means history: where have I been? where am I now? where am I going? Yet because we have misconstrued property to mean accumulation and have idealized it to the point that accumulation has become the basic cultural rhythm, we have taken material rather than place as a sign of security, and have been driven to paranoid aggression largely for the purpose of acquisition of material. We are aggressive in space, in foreign affairs, in business and the making of careers—always achieving, always pursuing, with the result that we have become "a nation of strangers," achieving and pursuing, we know not what. The important thing is that, as the ad men tell us, we're "on the move." Agitated. Frenetic. The computerized industrial society and laissez-faire economics—the nerve centers of our materialistic society—have gone berserk. The bourgeois and would-be bourgeois are running all over the country and the world after the dollar. The "workers" are trying to catch its Cheshire grin. And the freaks are running away from it. But, as the system would have it, we're all running.

This is what Vance Packard's new book *wants* to be about, "a society of torn roots," "fragmented" and bereft of a "sense of continuity." Unhappily Packard latches on to the most obvious and superficial sign of these times—that Americans move around a lot, more than any other people—and treats it in the most obvious and superficial way. The problems of the book principally are that Packard has no real feeling for or understanding of his subject and that his methodology is simplistic and anachronistic. He professes to objectivity, which, in the case of this book, is pointless because he has nothing objectively to tell us that any marginally attentive reader of any newspaper doesn't already either know or surmise. It is hardly news that rural folk, white and black, are migrating to the cities, or that city folk migrate to the suburbs, or that suburban executives migrate to other suburbs, or that workers, from farm laborers to aeronautics technicians, follow the job trails, or that retirees go south in the winter, or that college students are transient, or that inner city neighborhoods change from Irish or Polish or Jewish to black or Chicano or poor white. Nor is it news that this highly transient population creates such cultural grotesqueries as ghettos, urban and suburban "sprawl," latter day company or industrial towns, Welcome Wagoneers, credit investigators, or even drive-in funeral parlors. Nor is it news that high mobility contributes to myriad social problems, from wife swapping to race riots, leading to community disintegration and paralysis as people are isolated and estranged from themselves and their society. Nor is it news that high mobility creates personal problems—divorce, anxiety, melancholy, social isolation, hypochondria, diffidence, etc. Yet Packard spends 275 of his 335 pages rehearsing such items, occasionally dropping in quotations from interviews or statistics or questionnaire results to give generally known information the flavor of sociological data.

Finally there is no way to "objectify"

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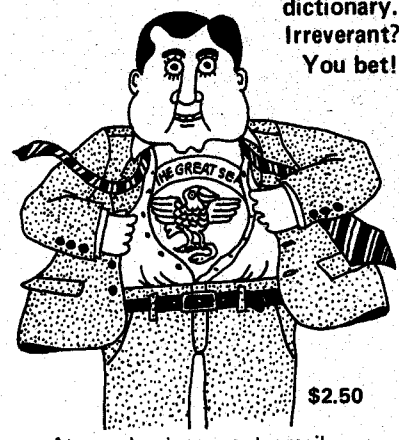

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the phenomena with which Packard is dealing. And to imply, as he does, that high mobility is the *cause* of our social fragmentation is not only to miss the mark, it is shooting in the wrong gallery. So his method not only makes much of his study superfluous, but renders trivial his conclusions, as where he quotes an anonymous "Great Falls educator": "There is a hazard to society with all this moving, where children don't have roots and don't have grandmothers they can see fairly regularly."

Nor is he better off when he attempts his own objective documentation. In a chapter entitled "Two Towns: A Comparison in Personal Relations" he depends entirely on a questionnaire to compare "high mobility" Azusa, California with "stable" Glens Falls, New York. Once again he documents the obvious: "In general a stable environment is more conducive to the development of shared concerns, helpfulness in emergencies, close friendships, and respect for individual competence than is a turbulent one." But even this conclusion, generalized to the point of uselessness, is qualified by the finding that, regarding "kinfolk relationships," the "roots [of Azusans] were at least as strong as those of people in Glens Falls." On the one hand Packard's "objective" evidence leads us nowhere in particular, and on the other his scientistic attitude seems to have precluded an imaginative—*i.e.* "subjective" or interpretive—approach that might have gone some way toward informing the larger theme of the book.

Questionnaires and other data recording are useful, even necessary, but one wants something more, a feel of the people and life of a town. The methodological breakthrough of such books as Oscar Lewis' *La Vida* and *The Children of Sanchez*—where the voices, attitudes and histories of people in the community under investigation provide an insight to the human reality of life in a given social structure—should have been heeded by Packard in a work as ambitious as his aspires to be. Which brings us to the heart of this book's problem. The book has no commitment, and therefore lacks either moral center or dialectical energy. Why? It appears that Packard simply does not want to deal with the big business and corporate mentality that causes so much of the "high mobility" and social "fragmentation" with which he is concerned. The one unequivocal thing that emerges from his study—and for this he should be credited—is that high mobility Americans don't move, they *are moved*, they are obliged to move by the quixotic rhythms of the economic system in which they live. Workers, from farm laborers to corporate executives, are herded like cattle according to the needs of production and profits. There is of course considerable variation in style; an executive is herded with considerably more elegance than a lettuce picker. But, for the corporate decision maker, they are both commodities and are moved *as* commodities—this is the *why* of rootlessness that Packard neglects. "Personnel" departments don't deal with *people*, they deal with units of production potential, pawns to be dispatched or deposed according to the implacable logic of supply and demand. Time and again, whether he is considering executives or workers, Packard sidles up to this issue, sniffs politely and backs off.

Taking on the system is of course a toughie. It means investigating the military-industrial-corporate combine that dominates our national life. It means having more to say about corporate irresponsibility than, "Corporations, if they are to be socially responsible, should show more resolve than they have heretofore to locate facilities only in areas that can provide homes for the total range of their employees." It means reconsidering the viability of laissez-faire economics, reconsidering in fact the whole capitalist ethos. It means seriously investigating alternatives. Above all it means taking seriously the people who live the fragmented lives in the fragmented society that Packard laments, respecting them enough to get beyond the surface of their problems.

But Packard doesn't have heart for the job. Nor the vision. He seems to think that social change is something like a boy scout paper drive, everybody bring a bundle and it's done. This statement, on blacks, characterizes his "liberal" simplification of the social process:

> . . . another reality must be faced by responsible blacks. They have a moral duty to condemn and help to combat predatory and vengeful attitudes that a small but conspicuous segment of blacks have toward whites in the cities where they live. The achieving blacks have the task of being leaders of their people rather than, as often has been the case, shunning unruly elements or shrugging off their anti-social behavior. This would go far toward convincing the white majority that they can welcome blacks into white areas without having to assume the entry will be accompanied by an increase in belligerence, violence, or crime. Such increases have *not* occurred in many successfully integrated areas, usually middle- or upper-middle-class.

Aside from Packard's bias for white upper-middle-class values—which runs through the book like a love song—the implications of his attitude are depressingly clear. The responsibility for social change does not reside with the system causing the problem, it rests with those who are most victimized by it, and therefore least able to effect change. What is worse, Packard knows the score better than that. In a chapter entitled "On Recovering Our Sense of Continuity" he brings himself as close as he comes to making a critique of the corporate ethos: "One obvious place for us to begin is to re-examine the built-in assumption of organizations that they can feel free to shift personnel about the landscape purely on the basis of what seems at the moment to be the most efficient utilization of that personnel. Such shifting—by both business and governmental organizations—is often not only mindless but frequently heartless." Then, after three accurate but brief and anemic paragraphs describing corporate assumptions that dehumanize their workers, he launches into a kind of apologetics for corporate irresponsibility by suggesting, on the basis of little or no evidence, that, having seen the error of their ways, corporations are beginning to reform themselves. He cites IBM and Boeing as examples. Boeing is an especially gratuitous one, because its hiring and firing practices have been among the most vicious in the country. Not only has it had wholesale layoffs of thousands of factory workers in Seattle, but it has regularly moved aeronautics engineers into Seattle, kept them around for a couple of years, and then fired them when government contracts go slack. So a man is left with a family to feed, a $50,000 mortgage, no job and a skill unmarketable in the area in which he lives. It's hard to imagine that Packard can be ignorant of such goings-on; they have been well enough publicized. But then perhaps he restrains himself in hope of a RAND Corporation appointment to make a corporation-financed report

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reassuring corporations that they can take care of the problems themselves, without government controls.

Unfortunately for the purposes of his study Packard is wholly in sympathy with the system that is most responsible for fragmenting our society. Moreover, his book is vitiated by a kind of Currier and Ives morality, the sense that things were better in the old days when kids visited grandma regularly and rooted through the attic for family mementos. And such nostalgia leads him to trivialize the issues of his book, when, for example, he can seriously suggest that we may recover "our sense of continuity" by having summer homes at seaside resorts where "in our increasingly estranged, uprooted world . . . a neighborly grapevine can be very gratifying," or by forming communities of "skiing enthusiasts" and the like, or by requiring a month's reflecting period before the issuance of a marriage license to "reduce the proportion of impulsive or ill-considered unions" in "these rootless times." The irony is that Packard seems to have become a good example of the very thing he fears, an upper-middle-class tourist through the society in which he lives, dissociated from its real problems, and ruefully looking back to a time when, things being what they are now, they must have been better. So *that's* whatever became of Vance Packard!

Peter Michelson

Muted Echo of a Masterpiece

August 1914

by Alexander Solzhenitsyn
translated by Michael Glenny

(Farrar, Straus & Giroux; $10)

August 1914 has been touted as the "big book" this fall, with pre-publication publicity promising a "new Tolstoyan masterpiece" and stirring *The New York Times Book Review* to give it a lead review in advance of its publication date. This first volume of a projected trilogy, which Solzhenitsyn has described as "the chief artistic design of my life," chronicles the awesome destruction of General Samsonov's army in the Battle of Tannenberg at the outset of World War I, an engagement in which 70,000 Russian troops were killed or captured. It exposes the Russian Army's ineptness in techniques of modern warfare, blaming the Tsarist government for the debacle of World War I which culminated in the Bolshevik Revolution. It is a book by a man whose resistance to Soviet invective and oppression has made him a heroic figure in the West. His model is Tolstoy but it is bad Tolstoy.

Since *One Day in the Life of Ivan Denisovich*, which relied on modest understatement, Solzhenitsyn's novels have become increasingly ambitious. *August 1914* is written on the scale and in the style of *War and Peace*, and some of its myriad similarities with Tolstoy's masterwork are manifest: it is an historical novel depicting a major war; it has a prodigious cast of characters, derived from every segment of society and representing diverse expressions of political and religious belief; it contrasts what *really* happened with the official accounts of the time; and it reveals a keen interest in military strategy and in the relationship of free will to determinism. It is Solzhenitsyn's tribute to his master. Throughout, he venerates Tolstoy, engages him in dialogue and at times even seems to assume his identity. Tolstoy's pictures adorn the walls, students animatedly discuss his philosophy, a general at the front identifies with his portrayal of Kutuzov. In a sequence that embarrasses, Tolstoy actually appears as a flesh-and-blood character, predictably a "gray-headed, gray-bearded

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Sage," leaning on a walking stick, deeply absorbed in meditation, who proclaims that man's purpose on earth is "to serve good" which can be accomplished "only through love."

Although many of the characters and tableaux in *August 1914* are remarkably reminiscent of *War and Peace*, their distinguished derivation does not give them distinction. With few exceptions, they are delineated without warmth or humor. Solzhenitsyn seems aware of some failure when, in his preface, he warns that it is part of a longer work and therefore "makes no pretense at completeness, even in the development of its characters." He is asking us, in effect, not to judge him until the succeeding volumes appear, a quite unreasonable request, especially since he goes on, in the very same preface, to muse that he "probably will not live to finish it." I found it difficult to remember many of the characters in *August 1914* before I had even finished reading it. This is partially because there are far too many of them, but it is also because Solzhenitsyn doesn't seem interested in the intricate shaping of character that is generally considered a mark of literary skill. He is concerned primarily with expressing a point of view and resorts to archetypes: a "patriot," a "revolutionary," a "liberal," a "Hegelian," a "Tolstoyan"—labels, rather than faces, mannerisms and unique life experiences. Nor does Solzhenitsyn acknowledge the deeper passions, contradictions or brutality in human nature. Although much of the action in this novel is set on the battlefront, there is almost no talk of sex, nor do we witness a single act of personal violence.

Even the novel's protagonist, Colonel Voretyntsev, whose portrait is drawn in some detail, remains rather wooden as he travels (in a way reminiscent of Pierre Bezuhov in *War and Peace*) from staff headquarters to the front, ostensibly preparing a report for General Headquarters but actually being used as a device by which Solzhenitsyn is able to unify the action of his novel. Yet the ill-fated General Samsonov is portrayed quite believably, reminding us of the literary skill Solzhenitsyn has at his command. Solzhenitsyn traces the decline of Samsonov, as he inherits the disorganized Russian advance, powerless to affect the events into which he has been thrust. In the midst of the agony and slaughter of his doomed army, Samsonov, like the dying Prince Andrei in *War and Peace*, disengages himself emotionally from life. His sui-

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cide is touching:

> He walked a few paces to a small clearing open to the sky.
>
> It was cloudy now, and only one tiny star could be seen. It vanished, then reappeared. He knelt down on the warm pine needles, and because he did not know where the east lay, he prayed to the star.
>
> He began with the set prayers, then none at all: he simply knelt, breathing and looking up into the sky. Then, casting aside restraint, he groaned aloud, like any dying creature of the forest: "O Lord, if Thou canst, forgive me and receive me. Thou seest—I could do no other, and can do no other now."

The depiction of the Tomchak family, early in the book, is also artfully done, in a wonderfully Russian, delightfully romantic way, but the Tomchaks disappear abruptly, never to return, at least in this volume. It is with them, as with so many characters in the book, as if Solzhenitsyn has lost interest in their petty squabbles and aspirations and has gone on to a higher mission.

The spiritual attitudes that Solzhenitsyn expresses in this overtly religious novel are, again, Tolstoyan. For Solzhenitsyn there is a connection between his conviction that there is a purpose to the universe and "the vigorous, inexhaustible spiritual strength of Russia" which, in turn, is dependent upon "the cultivation of one's own soul." This is in complete accord with the theme of suffering and endurance which permeates all of Solzhenitsyn's work and, for that matter, so much of Russian literature. Faith sustains, makes it possible to endure, and it can only be found within oneself. Solzhenitsyn cites the Russian proverb: "You shouldn't have searched in the village but in yourself." Those who prefer may turn instead to *War and Peace*: "The secret of blessing is not without but within us."

Solzhenitsyn disagrees with Tolstoy as to the hero in history. Having fought in the war against Hitler and suffered under Stalin, he must reject Tolstoy's conviction that kings are but the slaves of history:

> . . . There might appear to be some consolation in Tolstoy's conviction that it is not generals who lead armies, not captains who command ships or companies of infantry, not presidents or leaders who run states or political parties—were it not that all too often the 20th century has proved to us that it *is* such men who do these things.

Despite this disagreement he remains, as a student of "themes of eternal significance," fascinated with Tolstoy's overall view of history: because history is governed by irrational laws, incomprehensible to man, and what appears as "free will" is actually part of a predetermined plan, man is free only insofar as he accepts the irrational and conducts his life, as simple people do, in accord with the forces of history. Solzhenitsyn does not discuss whether the laws of the universe are divine, nor does he refer specifically to God, yet his spokesman, the "Stargazer," when pressed in a discussion with two young students, suddenly volunteers: "No one can ever answer the most important question of all." This, in effect, is an answer.

Solzhenitsyn's interest in historical determinism may derive from his sense that an inexorable fate has affected his own extraordinarily difficult life. Like Job, he has suffered and survived a series of afflictions that must have tested his strength and belief to the ut-

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most, and he may very well feel that he has been "chosen" in some way to play a dominant role in the history of his people. He has certainly grown to this task, surmounting a modest, retiring personality and assuming the mantle of advocate, saint and prophet, the voice of truth, the conscience of the Russian people.

I cannot question Solzhenitsyn's exceptional courage and sincerity—or the special need for someone like him on the Soviet scene. Yet the pedantic and highly moralistic tone of this book, its constant repetition of his overly simplified beliefs, become tiresome. It may be that Solzhenitsyn will move on to polemics and abandon the novel altogether. This would accord with his creed and with the public role he has assumed. And it would, finally, emulate the *life* of Tolstoy, as well as his art.

Isaiah Berlin, reflecting on Tolstoy in *The Hedgehog and the Fox*, identifies the contradiction between Tolstoy's literary powers and his opinions, between his artist's need to encompass every aspect of humanity and his intellectual desire to reduce all of human endeavor to a simple truth:

> No author who has ever lived has shown such powers of insight into the variety of life—the differences, the contrasts, the collisions of persons and things and situations, each apprehended in its absolute uniqueness and conveyed with a degree of directness and a precision of concrete imagery to be found in no other writer. . . . Yet what he believed in was the opposite. He advocated a single, embracing vision; he preached not variety but simplicity, not many levels of consciousness but reduction to some single level.

War and Peace stems from and embodies this ceaseless conflict within Tolstoy, a conflict unknown to Solzhenitsyn, whose pen easily serves his didactic aims.

It was *War and Peace* which finally convinced Turgenev, until then the conceded master of Russian literature, to admit that Tolstoy had achieved preeminence among his fellow writers. The "life and truth and freshness" that Turgenev saw in *War and Peace* are the very qualities which *August 1914* is lacking. It may seem unfair to measure Solzhenitsyn's work by the standards of *War and Peace*, yet his choice and treatment of his theme compels the parallel. *August 1914* lacks, above all, an original viewpoint, and thus, despite its author's abilities, seems like the muted echo of a great masterpiece.

Jeri Laber

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Trying To Reshape the Novel

G

by John Berger

(Viking; $7.95)

First, let me express my sense that this is the most interesting novel in English I have read for a good many years (since *Catch 22* to be precise, which one ought to be). Second, let me acknowledge doubt about how to treat it: to be content with expressing a sense of its "importance," or to say what it's about and then risk an interpretation that may be a misinterpretation. I'll try to be risky.

What's it about? Well, G's for Giovanni, among other things, and Don G is certainly a major presence in the book. He has been acclaimed, paradoxically, as an unlikely saint of women's lib, because he sees women as a kind of sexual Sinn Feinner, for themselves alone, which can be very liberating for them. G (1887-1915) is endowed—not the right word perhaps, yet an element of magic *is* implied—with what you might call a seeing prick. This penetrating wand has been achieved—not the right word again, but not so wrong as you might think—through an unusual combination of circumstances. He is, as the men he cuckolds don't hesitate to say, an Italian bastard; he is rich, but not too (*i.e.* he has the advantages without the responsibilities of being a capitalist); more or less abandoned by his American mum—in favor of Fabianism—to upper-class (declined feudal) English cousins; wafted to Milan in 1898 to meet his dad and there, through the agency of a young Roman girl with a budding moustache, given a view of the class struggle at close quarters; seduced at 15 by his already incestuous aunt who, by seeing the world cockeyed on account of imperialism and the Boer War, begins to see herself straight.

Note, please, it is I, not John Berger, producing this *seductio ad absurdam.* But it illustrates my dilemma: how to talk about this fine, serious, stimulating book without making it seem what it isn't, absurdly schematized, ridiculously abstract.

G is in fact about as schematized as a Cubist painting or a Fielding novel. And though Berger's not as relaxed or funny as Fielding, there can't be many novelists who plunge as readily into graveyards full of abstract nouns, and there's a moral there too, though I haven't the space for it.

The latter two-thirds of *G* is chiefly devoted to two episodes (the first superb, the second not yet completely taken in by this reader) in which the "principal protagonist" is able to reveal simultaneously the simple potency of his magic weapon and the complex vulnerability of the bourgeois world. The first is set around the Simplon Pass in 1910 where a Peruvian aviator is flying over the Alps; the second in Trieste in 1915 where it is still hard to know who

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is at war with whom but where a phase of history (and G himself) is staggering brutally to a close with a combination of bang and whimper. Here at last women's and national liberation begin to link up and we get a whiff of the third world which will emerge from the two coming wars. G comes as near to dying on the barricades as so unillusioned a realist could well do.

G seems to me a fascinating work which, for all my admiration, I may well still be underestimating. It is one of the few serious attempts of our time to do for the novel what Brecht did for drama: to reshape it in the light of 20th-century experience and theory other than the purely subjective or self-analytical. Since most of us have become more or less incapable of responding to any art which is *not* so based, *G* isn't an easy book to deal with. To get on to the right track Thomas Mann is no doubt a help, but one might also profitably go back to the early Dos Passos novels.

Dos Passos, like almost all 20th-century American novelists, seems to have been ruined by a demon of sentimentality which I suppose is linked, culturally, with a long standing Anglo-Saxon contempt for any kind of systematized thinking. But in *USA* he was trying to tackle some of the problems Berger is faced with in *G*, though the latter is an intensely European book. Dos Passos managed to achieve what perhaps Berger doesn't) an immediate impact at once appreciable by an audience reared in a quite different tradition. But he achieved it at the expense of undermining the very aims of objectivity and demystification which one part of him was seeking. Berger is infinitely more conscious of what he is up to and what it implies in terms of art. It is possible, perhaps, to feel that he is *too* self-conscious and that this costs him an element, not so much of human complexity (he gets that all right) as of human warmth. But maybe such a reaction is itself part of the imprecision of feeling he is fighting. Fifteen years ago I'd have suppressed the doubt: now it seems important not to. But, emphatically, within the context of saluting a fine, humane and challenging book.

Arnold Kettle

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Reconsideration

Lafcadio Hearn in Cincinnati

At the age of 19, Lafcadio Hearn arrived in newly urban Cincinnati, an Irish immigrant, without money, a job or connections, and happened onto newspaper reporting as the best compromise between his talents and necessity. During the six years that Hearn wrote for the Cincinnati *Enquirer* and the Cincinnati *Commercial*, he assumed the peculiarly public pose expected of journalists in the 1870s. He traveled with night shift policemen, climbed with steeplejacks, attended a "ladies only" lecture disguised as a lady, and trailed after rag pickers in the city dumps; with the care of a Henry Mayhew reporting on the London poor he interviewed sweatshop seamstresses and ex-slaves, giving them a public forum to speak of their plights; he assaulted pawnbrokers and spiritualists, meat cutters and missionaries, pimps who moonlighted as abortionists, even the YMCA. He reported riots, visited opium dens, exposed body snatchers, wandered in insane asylums. Again and again Hearn returned to his special obsessions, the lack of sanitation among food producers, the ghoulishness of undertaking practices, the filth of the housing of the poor. He could pity the police for the public abuse and violence that they endured (they were called "pigs" in the mid-1800s) and at the same time expose their corruption and brutality. Similarly, he could be revolted by murders, as well as by the murder of murderers at the gallows.

The Selected Writings of
Lafcadio Hearn
Edited by Henry Goodman
Available from Citadel Press, 222 Park Ave. South, New York 10003, $3.95*

Ghettos, stockyards, madhouses, brothels, cemeteries—these were Hearn's controlling images. And for this he paid a high price to critics and literary historians, who have cast him as a youthful sensationalist, another Yellow Kid, a teller of dirty city jokes lacking a muckraker's moral in the punchlines. But sensationalism is too easy a charge, and a suspiciously obvious way to explain away attractive prose that finds its way into newsprint. Do they mean to suggest that Hearn's metropolitan metaphors were inappropriate, that he had a poor sample, that our cities were not, after all, "that bad"? Whatever the case, time has been on Hearn's side, and we know that despite the dreams of Henry James and Walt Whitman, the city that Hearn, Theodore Dreiser, Frank Norris and Upton Sinclair imagined has not gone away. We speak in newer images now, but the ecologists' tropes of the rat cage and the behavioral sink add little to what bedlam and the slaughterhouse suggested.

There is yet another way in which the sensationalist label misses the point in Hearn's early writings. Where some might seek out the underlife of society only to better know the distance between the earthly real and the transcendant, Hearn descended into the depths of urban life to revel in its unseen glories and to unmask humanity in its apparent ugliness. So, Hearn in "Levee Life," recounting the excesses of a black longshoremen's sporting house (the "fiery drinks and drunken dreams," the interracial prostitution), suddenly shifts to describing the grace of the black dancers and the ritual qualities of the scene; and then to further drive home the transvaluation he is attempting, he turns to the white females and says: "[They] seemed heavy, cumbersome, ungainly by contrast with their dark companions; the spirit of the music was not upon them; they were abnormal to the life about them. . . . Amid such scenes does the roustabout find his heaven and this heaven is not to be despised."

In the same manner in one of Hearn's most radical essays, "Pariah People," he defended the uncommon beauty and strength of those "great violators of nature's laws," those who practice miscegenation or are the products of it. Characteristically, always the participant observer, Hearn himself married a Cincinnati black woman, an act as startling for a public figure as it was illegal by Ohio's laws. If Nabokov could observe in the afterword to the 1958 edition of *Lolita* that successful mixed marriages were one of the three most tabooed topics in American literature, it must have been heavy stuff indeed for those who read their newspapers over breakfast in 1875.

Hearn gained access to every level and segment of the city but he found a sense of community only in the niches of industrialization, among the Jews and the Negroes. And though he wrote laudatory essays on "Cincinnati's Hebrews," their leaders, their scholarship and morality, and though he retranslated portions of the Talmud, and even condemned anti-Semitism at home and in Russia, he remained a distant commentator on their activities, more their historian than their anthropologist. It was among the blacks that he felt most at ease.

Starting in Cincinnati and continuing after 1877 in New Orleans and in the French West Indies, he transcribed the folksongs of Afro-Americans, described their dances and their theater, collected their beliefs and proverbs (published as *Gombo Zhèbes* in 1885), studied black dialects and Creole languages, and learned their cuisine so well he wrote a cookbook (*La Cuisine Crêole*, 1885) and even briefly ran a restaurant. Instead of recounting these customs with intellectual detachment, or putting them in the mouth of some Negro-manqué like Uncle Remus, he recreated in narrative form the atmosphere in which one might wish to believe in these things.

Publicly, then, Hearn was a popularizer and an interpreter of black life for whites and perhaps the most sensitive and least affected that America has known. Privately, however, he saw himself as a scholar. His letters show him to have been studying the West African roots of black culture and, with musicologist H. E. Krehbiel, tracing the effects of the African diaspora on both whites and blacks in the Americas. All this, incredibly, he began less than a decade after the end of slavery. Now, 90 years later, black studies or no, it is doubtful that anyone has this kind of knowledge.

In 1890 Hearn left the United States, retreating in successive moves from in-

*Note: Other editions including Hearn's Cincinnati writings are out of print, but include *Barbarous Barbers* edited by Ichiro Nishizaki (Hokuseido Press, 1939); *Children of the Levee* edited by O. W. Frost (University of Kentucky Press, 1957); *An American Miscellany*, two volumes, edited by Albert Mordell (Dodd, Mead, 1924); *Occidental Gleanings*, two volumes, edited by Albert Mordell (Dodd, Mead, 1925).

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dustrialization to Martinique and Japan where he turned his attention to belles lettres and produced the collections of descriptive sketches, occasional essays and folk tales for which he is principally known and reputed as a minor man of letters.

Although Hearn is generally listed as an "American" writer, critics have followed his lead, giving least attention to his writing about America. Henry Goodman's edition of *The Selected Writings of Lafcadio Hearn* places the typical emphasis on Hearn's interpretations of Japan for the West and includes only a handful of his pieces revealing the American city to Americans. Hearn has been at the same time too literary and too scientific for American critics, producing too little hard data for social scientists and too little standard literature for literati. Perhaps more to the point, Hearn in Cincinnati was a journalist, an occupation still understood as tarnished by its immediate connection with business and a popular audience and severed from literature by its subservience to fact.

But now that the "new journalism" is upon us we have new criteria to assess Hearn's special skill as a writer, as well as renewed reason to grasp the significance of what he said. By experimenting with different kinds of language, narrative style and points of view—with standard literary devices—he combined objective reporting with the subjective life of the characters. And as if the nature of his subject matter freed him from art as distortion—from inflated rhetoric or programmed pathos—Hearn learned to make his material live as only fiction is supposed to do.

In retrospect, then, we can dispense with some false parallels which have been thrown up to show us who Hearn was. He is often seen as having artistic kinship with Zola, Poe or Baudelaire, to all of whom he appears a weak second. If comparisons are inevitable, it is not his contemporaries but ours who best reflect his significance. Indeed, it is Norman Mailer who continues the line of Hearn's tradition—the Mailer who saw psychopathy as an emerging lifestyle, the Mailer who made Chicago interesting *because* of its stockyards and the tumult in its streets and convention hall, who can tell us that it is the blacks, after all, who are the protean urbanites, the omni-Americans. Mailer's cities, like Hearn's, are populated by the mad, the occult, the diseased, the addicted and the pariah, and the tedium of filth and poverty is lightened only by the excitement of racial and class turmoil and the arts of survival they breed. Hearn, Mailer and a few others constitute something of an American literary tradition, a corps of writers with ethnographers' sensibilities who have been obliged to tell us that some of the most despised elements of American city life are not divergencies and evolutionary dead ends, but are the very parts which are converging to make America what it is and what it will be for some unknown time to come.

John F. Szwed and Carol Parssinen

Kauffmann, *from page 22*

almost completely from *October* while he was editing his film of the 1917 revolution in late 1927, because Stalin had won the contest with Trotsky and wanted him obliterated. Eisenstein's action was at least one of omission. Losey and friends have committed their atrocity in public view.

Bad Company was written by David Newman and Robert Benton, authors of *Bonnie and Clyde*, and could be called *Barnie and Clyde*. Again we have a story of a pair who team up to lead a gang, one of the pair an experienced crook, the other a newcomer. Here the pair are both teenage boys, the period is 1863 in Missouri, and the innocent one remains partially so until the end, but a lot of the strophes are familiar, including a continual vein of humor and farce that bears the bloody events along like a happy stream bearing corpses.

There isn't much story. I suppose we have to use the well-rubbed term "picaresque." A series of things happens to the band of boys; a shape for the story occurs only as one of their adventures, with a group of adult robbers, doubles back on itself for the climax. Much of the dialogue is written with a good Sam Clemens tang, together with the profanity that he saved for private publications. Some of the events are blunt but believable, as when a farmer, returning from disaster in the West, rents his wife's services to the boys.

But the intended realism is hurt by some inherited Western-movie clichés: the slambang fight that makes friends of two fellows; the shotgun wound that conveniently disappears when not needed any more; the witty head of the adult gang who knows damned well that he is on a film screen and is saying things to make an audience laugh. There is some faulty characterization: the scene in which one of the boys skins and cleans a rabbit, an operation we only *hear*, is well handled in itself, but the nauseating effect on the gang is wrong, I think. Country boys, particularly of that time, would not be nauseated. A different sensibility dictates that scene.

Weakest of all is the finish, when the Good Boy, after having weathered all temptation to crime, turns holdup man with the Bad Boy simply because Newman and Benton had thought of a final freeze-frame that they liked.

The only really taking performance is that of Jeff Bridges as the breezy Bad Boy. Anthea Sylbert supplies some very good clothes.

Benton makes his debut here as director and proves again that all one needs to be a passable director is an actable script, which this is, a large memory of filmgoing (John Ford and Ingmar Bergman and even the rabbit-shooting from Renoir's *Rules of the Game* are discernible), and the help of a good cinematographer, Gordon Willis, who photographed *The Godfather*. Willis supplies more of the "Goyaesque" interiors that were in the earlier picture, and also supplies rather too much golden prairie; but he's a whiz with campfires, of which there are a lot.

Bad Company is one of the "new" Westerns that try to face the grim facts that were avoided in the earlier Westerns and try also for unconventional structure as opposed to the formalism of the old genre. OK. But this picture is *so* casual, so marred with modern psychological intrusion (like *Butch Cassidy*), so flecked with old fakeries, and so unimpressively acted on the whole, that it never really knits together and exists.

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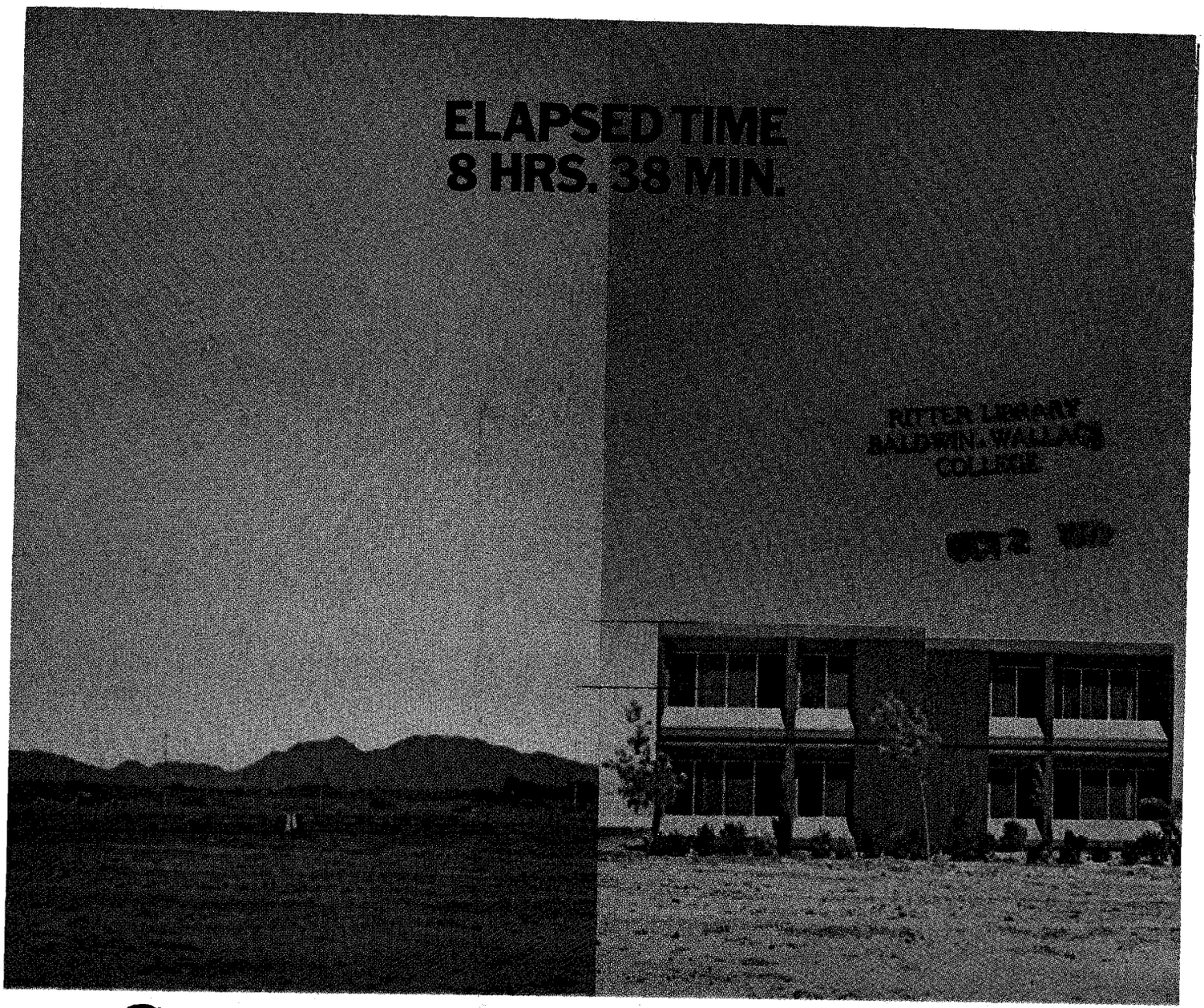

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